



**Draft for Housing and Human Service
Commission review on September 26, 2012
and Planning Commission on October 22, 2012**

Council Date: November 20, 2012

**SUBJECT: Introduce an Ordinance to Amend Certain Sections of Title 19
(Zoning) of the Sunnyvale Municipal Code Relating to Conversions of Mobile
Home Parks to Other Uses**

REPORT IN BRIEF

In 1987, Council adopted Sunnyvale Municipal Code (SMC) Chapter 19.72: Conversion of Mobile Home Parks to Other Uses (“Chapter 19.72”), which established minimum requirements for park closures or conversion of mobile home parks to another use. Since adoption of Chapter 19.72, Council has approved the conversion of five parks in Sunnyvale, after verifying compliance with its requirements.

In 2007, Flick’s mobile home park was proposed for closure and redevelopment as new homes. During the hearings on Flick’s closure, staff and Council noted areas where Chapter 19.72 could be improved. In response, staff drafted a Study Issue paper (**Attachment A**). In addition to the issues noted in the study issue paper, staff identified areas for improvement to the organization and clarity of Chapter 19.72 to benefit all parties.

To complete the study, staff reviewed prior park conversions in Sunnyvale, relevant state law, and conversion ordinances of other jurisdictions. Staff also held numerous outreach meetings with park owners, managers, residents, and developers. The Housing and Human Services Commission (HHSC) held two public hearings on this item, one on April 27, 2011 and the second on January 11, 2012. A Council Study Session was held on March 20, 2012, with several park owner representatives and park residents in attendance. Additional public hearings on this item will be heard by the HHSC on September 26, 2012 and the Planning Commission (PC) on October 22, 2012. **Attachment B** provides the dates and minutes of each meeting.

Staff Recommendation:

Introduce the Ordinance as provided in **Attachment C** to address the concerns identified in the study issue paper and clarify the conversion requirements and procedures so that they can be more easily understood by all parties.

BACKGROUND

The intent of Chapter 19.72 is to balance the need to protect park residents from displacement and hardships with the rights of the park owners to make decisions about their businesses and the use of their property. Under the current Ordinance, before closing a mobile home park, owners (applicants) must submit a

Conversion Impact Report (CIR) describing the relocation assistance needed by park residents, and the type and amount of assistance proposed for each household. Chapter 19.72 requires the Planning Commission to hold at least one hearing on the CIR and proposed closure, and Council to hold the final hearing to determine the adequacy of CIR and the proposed amount and type of relocation assistance.

There are 16 mobile home parks in the City with nearly 4,000 mobile homes comprising seven percent of the City's total housing stock. Thirteen of these parks are in the Residential Mobile Home Zoning District (R-MH), which means that these parks may not be converted to other uses without a general plan amendment and/or rezone. The other three parks are zoned commercial or residential, so an owner may apply to convert those parks to one of those use types, although approval is not guaranteed. Since the adoption of Chapter 19.72, five mobile home parks have undergone conversion and each has redeveloped into other residential uses.

In 2008, Council directed staff to study opportunities for improving Chapter 19.72. The study issue did not rank high enough to be implemented in 2008 or in 2009. However, Council approved this study as part of the Housing Element Implementation Plan (see below) in August 2009, allowing staff to complete the study as part of general operations. The study issue does not address mobile home park space rent or park maintenance issues.

EXISTING POLICY

Sunnyvale General Plan Housing Element

Goal B: Maintain and enhance the condition and affordability of existing housing in Sunnyvale.

Policy B.6: Preserve Sunnyvale's mobile home parks as an affordable housing option. Maintain at least 400 acres of mobile home park zoning.

Housing Implementation Program 11

Goal: Preserve existing mobile home parks as an affordable housing option.

Objective: Implement current mobile home park protections. Evaluate ordinance modifications to enhance tenant protections.

Time Frame: 2009-2014. Recommend revisions to Mobile Home Park Ordinance to City Council in 2011.

State Law

Government Code §65863.7(a) – (e) of the *Planning and Zoning Law*

State law requires that, before converting a mobile home park to another use, or closing a mobile home park, the applicant shall file a report on the impact of the proposed conversion or closure upon the residents to be displaced. The report must describe the availability of adequate replacement housing in other parks and estimated relocation costs, and copies of the report must be provided by applicant

to mobile home occupants at least 15 days prior to any public hearing on the impact report that may be held by a commission or Council, and at least six months before actual closure of the park, if closure is approved.

Council, or its delegated advisory commission, shall review the report prior to any change of use, and may require, as a condition of the change, the applicant to take steps “to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobile home park residents to find adequate housing in a mobile home park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.”

Civil Code §798.55-798.61: *Mobile Home Parks Residency Law*

“The Legislature finds and declares that, because of the high cost of moving mobile homes, the potential for damage resulting therefrom, the requirements relating to the installation of mobile homes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobile homes occupied within mobile home parks be provided with the unique protection from actual or constructive eviction afforded by the provisions of this chapter.”

If tenancy is to be terminated by the management due to change of use of the park or any portion thereof, management shall give the homeowners at least 15 days written notice that management will be appearing before the commission or council to request permits for a change of use of the mobile home park. After all required permits requesting a change of use have been approved, management shall give the homeowners six months or more written notice of termination of tenancy, and a copy of the CIR.

DISCUSSION

Staff reviewed the conversion ordinances of several cities and counties in the local area and beyond, and contacted their staff for additional information. Some ordinances leave much discretion to staff or the hearing body, and many of the survey respondents indicated that a mobile home park conversion had not occurred in their community in recent memory. Most ordinances reviewed are based on state law, and for the most part are quite similar to Sunnyvale’s in terms of general requirements. **Attachment D** provides a comparison of Sunnyvale’s ordinance to other jurisdictions.

The Study Issue Paper focused on key issues identified during the review of the Flick’s Mobile Home Park conversion. Those issues can be categorized into two main areas:

Clarifying the Conversion Process:

- Separate the review of the proposed closure and CIR from the review of a redevelopment application.
- Clarify how and when information should be provided to residents.

- Include possible variations to the requirement for notifying residents of future sales or closures of mobile home parks.

Improving the Conversion Impact Report and/or Relocation Assistance

- Increase tenant compensation (due to change in housing costs and other situations).
- Clarify types of support to all tenant types (owners and/or renters of mobile homes, and any non-mobile home tenants).
- Clarify roles (applicant, developer, housing specialist).
- Modify requirement for applicant to provide a list of available spaces in all mobile home parks within 200 mile radius of the park.
- Require owner/developer to provide status reports after the CIR is certified (60 and 120 days).

The following section discusses each of the issues identified above, with staff recommendations noted. Where different opinions have been expressed on an issue, possible variations or alternatives to the staff recommendations are noted in italics.

1. CLARIFYING THE CONVERSION PROCESS

The current ordinance describes the process an applicant must follow to close a park or convert it to another use, and requires residents to be noticed as required in state law, with additional notices to be provided to residents after the initial notice is filed with the City. A comparison of existing ordinance provisions to the recommended changes are shown in **Attachment E**.

Shortcomings of the current Ordinance

- The process an owner must follow to propose a new use for their property is confusing, and in most cases requires a lengthy meeting with a city planner for guidance.
- The Planning Commission is the hearing body required to review the adequacy of the CIR and the proposed new development. In most cases both of these matters are heard by the Planning Commission during the same meeting. This has often made it difficult for the Planning Commission to separate the resident relocation issues from the land use issues involved in the development application. It has made the hearings more complicated with the intermingling of issues.
- Chapter 19.72 does not require the park owner to negotiate with park residents for their potential purchase of the park. Although this was not identified as an issue in the study issue paper, residents suggested adding this requirement during the April 2011 HHSC hearing on the study, and their suggestion was supported in concept by the HHSC. This provision is in the ordinances of San

Jose and Watsonville, and provides the residents time to organize and submit an offer to purchase the park.

- Chapter 19.72 requires applicants to provide notice to park residents of a proposed park closure or conversion at least thirty days prior to the initial Planning Commission hearing on a draft CIR. This relatively brief noticing period may not allow adequate time for park residents to organize and negotiate with park owners regarding a potential resident purchase of the park.

Proposed changes to Chapter 19.72 for clarity/process improvement:

- A. Reorganize and simplify the description of the conversion/closure process and noticing requirements, and provide a sample timeline.
- B. Charge the Housing and Human Services Commission, rather than the Planning Commission, with reviewing the CIR and proposed assistance package for adequacy.
- C. Require park owners to provide park residents with a notice indicating their intent to convert the park to another use at least 90 days before filing any application related to the conversion of a mobile home park, including a request for City Council to initiate a general plan amendment. This accomplishes two things: 1) Provides adequate notice to residents that the property owner is intending to convert the park; and 2) Provides sufficient time for park residents to organize and submit an offer to purchase the park, should they decide to do so.

Variation: Keep the 30-day noticing period provided for in the current ordinance, but provide residents with a "right of negotiated purchase" which would allow a designated resident organization 30 days from the date of the notice of intention to convert, to notify the park owner of their intent to purchase the park. The right of negotiated purchase would expire if the applicant and the designated resident organization do not reach an agreement on the terms of sale within six months of the date of the notice of intention to convert.

- D. Require approval of the CIR by City Council before action can be taken on the development application. Planning Commission hearings on the proposed redevelopment of the park site, if any such application has been filed, may not be held before Council approval of the CIR. This change allows the Planning Commission to focus on the land use issues involved in the proposed new use of the site, without becoming entangled in relocation assistance matters, as has occurred in the past, as those matters will have been resolved with Council approval of the CIR. The prerequisite for CIR approval prior to the consideration of a development application could result in a slight delay in approval of the redevelopment application. If planned in advance, however, the delay could be minimized, as the land use application can be submitted by the applicant concurrently with the draft CIR.

Variation: Include a provision that delegates CIR review to the HHSC, but does not require City Council approval of the CIR prior to PC review of the proposed development application for the site.

- E. Maintain the requirement that the Community Development Director maintains the list of qualified relocation specialists from which the park owner or applicant can choose to make initial contact with residents, conduct a relocation needs analysis, prepare the CIR, and implement the approved relocation plan. The park owner or applicant would continue to be responsible for contracting with one of the specialists from that list, and paying for their services. City staff would oversee the entire process to ensure it meets City requirements, and would provide a minimum scope of work the specialist would be required to provide.

Variation: Include a provision that the City contracts with and directly supervises the relocation specialist, at the applicant's expense.

2. IMPROVING THE CONVERSION IMPACT REPORT AND/OR RELOCATION ASSISTANCE PACKAGE

Requirements of the Current Ordinance

Currently applicants must file a CIR with information about the park's residents, an inventory of mobile homes in the park, and two lists of vacancies in other mobile home parks: those within 20 miles of the park and those within 21 to 200 miles of the park. The report must also include a relocation plan describing the relocation assistance proposed to be provided to each mobile home owner's household, presuming that most, if not all mobile home owners will be able to relocate their mobile homes to another mobile home park.

Chapter 19.72 also requires the applicant to hire a "housing specialist", defined as an expert familiar with the housing market and able to consult with each tenant regarding their replacement housing needs. The housing specialist must be able to provide sound financial advice, explain various housing alternatives to the tenants (and applicant), and provide the tenants with transportation to view replacement housing options, if they are unable to drive themselves. In the amended ordinance, the term "Relocation Specialist" is used rather than housing specialist, as this term is in wider use today for this type of consultant.

After the CIR is approved, the housing specialist must discuss potential relocation benefits with each household. Applicants must provide relocation assistance to mobile home owners based on the cost to relocate the home to another park, or must buy the home for 85% of its "in-place value", determined by an appraisal process. The applicant is not required to pay more to purchase the home than the cost to relocate the home, if applicant can secure an alternate mobile home park

space for the tenant within 20 miles of the park, and must also pay for relocation of the mobile home to that space.

Chapter 19.72 would provide an owner of a double-wide home to be relocated with a total relocation assistance payment of approximately \$28,666, while those with a single-wide home would receive approximately \$13,666. These are estimated minimum assistance amounts, based on the moving allowance set forth in Chapter 19.72 and adjusted for inflation, and current estimates of actual costs to move a mobile home based on its width, as shown on Table 1 below. Actual assistance amounts would vary based on actual relocation costs and/or mobile home purchase prices.

Table 1: Current Relocation Assistance Requirements

| Relocation Assistance | Single Wide | Double/Multi-Wide |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------|
| Moving Allowance For moving contents of home, security deposit and last month's rent at new location, etc. | \$3,666 | |
| Plus the amount shown in A or B: | | |
| A. Relocation of Mobile Home The lesser of: flat rates specified in Ordinance, or actual cost if less | \$10,000 (estimate) | \$25,000 (estimate) |
| B. Purchase of Mobile Home (Only if mobile home cannot be relocated) | 85% of in-place value determined by appraisal or mutual agreement | |
| Total (estimated) | \$13,666 or purchase price + moving allowance | \$28,666 or purchase price + moving allowance |

In addition to the relocation payment, each mobile home owner is provided with a right of first refusal to rent or purchase any new homes or apartments that may be constructed on the park site, plus priority to buy or rent any below-market-rate (BMR) housing constructed on the site, and the services of the housing specialist. The relocation assistance must be paid in full to tenants before any building permits can be issued for any new development on the property.

Shortcomings of the current CIR and assistance requirements:

Outdated Assumptions

Chapter 19.72 was adopted twenty-five years ago, and many of the mobile home codes, park rules, and market conditions upon which its requirements were based

have changed significantly since its adoption. Most mobile homes over 20 years of age are not physically sound enough to withstand a move, and/or do not meet the physical standards and codes for installation into a vacant park space. In addition, vacant park spaces available for rent are extremely rare throughout most of the Bay Area, and many vacancies that occur are filled immediately by park owners with their own mobile homes which they rent or sell to tenants.

Most mobile homes in local parks that could potentially be converted are unlikely to be relocated, either due to their age or to the lack of vacant spaces available anywhere most residents would be willing to move. During recent outreach meetings, residents of local parks expressed great dismay at the possibility of having to relocate to a remote location within the 200-mile range set by Chapter 19.72, if spaces were available in those locations. A 200-mile radius covers most of the state, extending to northern Mendocino County, southward to San Luis Obispo, and east to Gardnerville, Nevada. A move of such distance would mean a major life change, with different schools, health care facilities, and employment options. Displaced residents could be relocated to a very different environment, far away from their family and friends, which could be quite traumatic.

For these reasons, the current requirement to list every park within 200 miles, contact all of the park managers by phone to determine whether there are vacant spaces, and list the results in the report, is not likely to produce useful results for park residents, yet it requires much time for the applicant to prepare and staff to review. Staff recommends instead that the housing specialist ask tenants where they might like to live (within the state), and research the housing possibilities in those locations, which may include park spaces, rental housing, and/or home buyer opportunities.

Due to the difficulty in relocating mobile homes, many park tenants would need to use the relocation assistance to rent standard housing, or possibly buy a mobile home or other home, somewhere in the county or wherever they choose to relocate. Many of the mobile homes would likely be salvaged rather than moved, due to their age. The housing specialist could help those residents obtain rental housing or buy another home, rather than researching park availability and mobile home transporters. These possibilities should be addressed in the amended Ordinance and the assistance requirements adapted accordingly, within the limits of state law.

Clarifying Eligibility for Relocation Assistance

The study issue paper also asked whether applicants should be required to provide relocation assistance to households who rent, rather than own, the mobile home they occupy. Chapter 19.72 currently provides such households (except for those renting mobile homes owned by park owner, who have waived their rights to assistance consistent with the requirements of Chapter 19.72) with the services of the housing specialist, a first right of refusal to buy or rent any new housing built on the site, and priority to buy or rent any BMR housing to be built on the site,

but no monetary assistance for moving expenses. In past conversions, applicants eventually agreed to provide some financial assistance to such residents, although it was not legally required. Many park managers reported during outreach meetings that park rules and leases prohibit mobile home owners from renting out their homes, so this matter may not be a widespread issue. Nonetheless, if any tenants were permitted to rent out their homes, those subtenants would likely need some assistance as well.

The current Ordinance does not address the question of assistance for tenants of standard dwellings in the park, if any, other than the manager's or owner's home. Staff is aware of several standard dwellings in some of the older local parks. Given the significant cost of moving into a new rental unit and the typical lower incomes of many tenants in older parks, it is possible that such tenants could become homeless if not provided with a moving allowance.

Mobile home owners not residing in their mobile homes (absentee owners) are currently provided with the cost to relocate or purchase the mobile home, like resident owners, but are not provided with the services of the housing specialist. Chapter 19.72 is not entirely clear whether absentee owners would receive the other benefits specified for mobile home owner-occupants.

Accessibility Needs

Many park residents are elderly and/or have physical disabilities, and have installed various accessibility improvements, such as wheelchair ramps, lifts, and grab bars, inside or outside of their homes. Chapter 19.72 does not include replacement or re-installation of these improvements in the relocation costs. The City's Housing Rehabilitation Specialist estimated the all-inclusive cost to remove and reinstall a wheelchair lift at approximately \$2,000. Interior improvements can remain installed during transport of the home. If the household were moving into a different home of any kind, the cost to install grab-bars in the new home would be approximately \$750.

Mobile Home Relocation Cost Estimates

The current Ordinance bases the amount to be paid for relocation of the home on the lesser of the actual cost to move a mobile home, or a specified flat rate amount to be adjusted for inflation. Staff has obtained a current cost estimate from a local mobile home transporter of an average relocation cost of \$10,000 for single-wide homes and \$25,000 for double-wide/multi-segment homes, including all permits, labor, transport for up to 100 miles, new piers, utility connections, and insurance to cover any damage incurred during relocation. According to staff calculations, these current costs are slightly higher than the inflation-adjusted flat rate for a single-wide home, and somewhat lower than the same flat rate for a double-wide/multi-segment home.

Proposed changes to the amended Ordinance to improve the Impact Report and Assistance Requirements:

- F. Modify the moving allowance to specifically state that it covers the following: the cost of moving the contents of the home, as well as first and last month's rent at a new location, plus the security deposit. All qualifying park tenants (of any type of housing unit) would be eligible for this moving allowance.
- G. Require the assistance package to include costs to re-install or replace accessibility improvements, whether they are installed in a new mobile home or any other type of housing secured by the household. This proposed change would apply to all mobile home owners.
- H. Use the lowest of three bids obtained by the housing specialist from licensed mobile home transporters to determine the minimum assistance amount for relocation of the home to any site within 100 miles. This proposed change would apply to all mobile home owners.
- I. Limit the housing specialist's search of vacant mobile home spaces to locations within California desired by those tenants who have a mobile home that meets the current codes and standards for installation into a mobile home park.
- J. Clarify that renters of mobile homes and standard dwelling units, if any (except for park manager/owner or exempt units) shall also receive the services of the housing specialist, the first right of refusal for newly built units, priority for BMR units, and a moving allowance like that provided to mobile home owners, as shown on **Table 2** below.
- K. When determining the amount of the relocation assistance package, the relocation specialist must calculate the amount the applicant must pay to each mobile home owner based on the cost to relocate his/her home to another park (based on lowest of three bids). However, home owners may voluntarily opt to sell their homes to the park owner for 85% of their appraised in-place value or any other mutually agreeable amount, rather than accept assistance in the amount of actual relocation cost. Nonetheless, the applicant is not required (but may opt) to pay more to purchase the mobile home than the cost to relocate the home, if it can be relocated to a comparable park within 20 miles, in accordance with state law.

Variation: Include a provision to increase the selling price of the mobile home to 100% of the appraised in-place value or any other mutually agreeable amount.

- L. A streamlined appraisal process that requires the applicant to hire a mobile home appraiser from a list provided by the Community Development Director to determine the in-place value of the mobile home. If the mobile home owner disputes the appraised value of their mobile home, the mobile home owner may pay for and hire an appraiser from the director's list to obtain a second

appraisal. To be considered, the mobile home owner must obtain the appraisal within 180 days of the approval date of the CIR. If a second appraisal is obtained, the mobile home owner is entitled to the average of the appraisals obtained by the applicant and the mobile home owner.

- M. For eligible park tenants (mobile home owners and renters) who are seniors (62 years old and older), disabled, and/or whose household income is very low, according to the very low income-limits for Santa Clara County for the tenant's actual household size, as published by the California Department of Housing and Community Development, the reasonable cost of relocation may include a rent subsidy for twenty-four months, if the other relocation assistance to be provided to the tenant is not adequate to secure replacement housing for the tenant for at least two years. The amount of the monthly assistance would be the difference between the tenant's monthly housing costs in the park on the date of the notice notifying each mobile home owner of the applicant's intention to convert the park, and their new cost for the replacement housing.

Variation: Expand the potential 24-month rent subsidy to cover eligible low-income households also.

Variation: Exclude renters from eligibility for the 24-month rent subsidy, and limit financial assistance for renters to the moving allowance only.

Table 2: Estimated Relocation Assistance Requirements under Proposed Ordinance (based on 2012 cost estimates)

| Assistance for All Park Tenants | | |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Moving Allowance: For moving contents of home, security deposit and first and last month's rent at new location | <i>\$5,000 (estimate)</i> | |
| Relocation/Replacement of Accessibility (ADA) Improvements (for tenants with disabilities only) | <i>\$750 - \$2,000 (estimate)</i> | |
| Services of Relocation Specialist | <i>Non-monetary assistance</i> | |
| Right of First Refusal to new housing on site | | |
| Rental Subsidy for Special Needs Tenants (up to 2 years payable to new landlord) | Difference in tenant's monthly housing costs in the park as of the noticing date and their monthly cost for replacement housing. | |
| Additional Assistance for Mobile Home Owners Only: | | |
| <i>Homeowner's choice of either A or B:</i> | | |
| A. Mobile Home Relocation: The lowest of 3 bids to relocate mobile home up to 100 miles | <i>Single-wide Home:</i> \$10,000 (estimate) | <i>Multi-Segment Home:</i> \$25,000 (estimate) |
| B: Sale of Mobile Home to Park Owner | 85% of the appraised, in-place value or other mutually agreeable price. | |

Concerns Raised at Outreach Meetings

Park owners and park residents raised a number of issues at the public outreach meetings and commission hearings held to date on this study. **Attachment B** provides meeting dates and notes from each meeting.

Park Owners' Concerns

A number of park owners, representatives, and staff of the Western Manufactured Housing Communities Association (WMA), which describes itself as a "nonprofit organization created in 1945 for the exclusive purpose of promoting and protecting the interests of owners, operators and developers of manufactured home communities in California," attended several of the meetings on this matter. The WMA staff and several others expressed their viewpoint that state law already regulates mobile home park closures and conversions, so there is no need for local government to adopt additional regulations in this area. Several speakers advocated for repealing the City's current Ordinance and referring to the State

Codes. Other concerns expressed by park owner and WMA representatives about the current and/or proposed Ordinance included:

- The need to balance resident protections with consideration for park owner interests;
- Regarding assistance for renters of mobile homes or other units in park:
 - Renters should not get as much assistance as owners should get;
 - Whether renters should even have protection;
 - Renters should be entitled to a moving allowance;
- Why add extra time to the process by requiring a time period for residents to negotiate to purchase the park? This would not streamline the process;
- The City should do something to try and keep mobile home parks in Sunnyvale (i.e., such as the current land use policies to preserve mobile home parks);
- It is risky for owners to incur costs of CIR review & approval prior to receiving entitlements;
- Council has discretion to change 400-acre minimum requirement (for land zoned Mobile Home Exclusive);
- Required compensation (85% of in-place value) is too costly for larger/newer parks and would essentially preclude their conversion;
- Requirements for exemption to relocation assistance provisions are too burdensome.

Addressing Park Owners' Concerns

As shown by the meeting notes, differing opinions were expressed by the park representatives regarding various aspects of the conversion ordinance. Some park managers expressed an understanding of the relocation challenges faced by residents, particularly those managers who lived in the parks they managed and could also be displaced by a conversion. Many of the concerns expressed are with some of the core requirements of the current ordinance, which staff is not proposing to change significantly (i.e., the requirement to prepare a CIR before any new development on the site is approved, and the compensation factor of 85% in-place value). The primary concerns about proposed changes included the suggestion to add a required time period for residents to negotiate with park owners to purchase the park and requiring relocation assistance for renters, which several representatives said would be addressed voluntarily by park owners and did not need to be addressed in an ordinance.

Staff has prepared the proposed amendments in an attempt to continue the City's current approach of balancing the sometimes strongly-opposing interests in park conversion cases and addressing the park owners' concerns, to the extent possible, without leaving residents at risk of potential homelessness or undue displacement hardships, consistent with state law and the current ordinance.

Park Residents' Concerns

Many park residents were concerned about being fairly compensated for their relocation costs and/or for their homes, and the risk of being relocated far from Sunnyvale, since spaces in comparable parks within 20 miles are extremely rare. Other concerns included:

- Being treated the same as other homeowners in Sunnyvale;
- Moving older homes to another park is virtually impossible;
- Desire for a first right of refusal to organize and submit an offer to purchase the park;
- Why would the City expect Sunnyvale residents to move out of the area and up to 200 miles away?
- How much notice/time will residents be given before having to move?
- Why wouldn't I be compensated for 100% of the value of my home?
- What if I am upside-down on my loan, will the park owner pay it off?
- Renters in parks should also receive some relocation assistance.

Addressing Park Residents' Concerns

Staff is not recommending a change to the compensation level, in order to maintain the original policy decision of the 1987 Council which affirmed to some extent park owners' claims that at least a portion of a mobile home's value is attributable to its location and the condition/desirability of the park, not to the mobile home itself. This rationale was the basis for the decision to require only 85% of in-place value to be provided as compensation to mobile home owners. This provision was seen as a reasonable compromise between the higher rate of 100% of in-place value or, at the other extreme, 100% of the much lower "Blue Book" (NADA) value, which is based strictly on the resale value of the home, without any consideration of its location or any "leasehold interest" in a particular park. Using the NADA value would likely not provide owners of older mobile homes with adequate compensation to allow them to obtain replacement housing.

The issue of compensation rate for mobile home buy-outs has been the area of strongest disagreement between the park residents and owners in meetings to date, and is not unique to Sunnyvale. It is often very challenging for many local communities to find a solution amenable to interests on both sides of this issue. Staff recommends continuing the current compromise rate of 85% of in-place value because it has been effectively implemented for many years and balances the claims of each side; however Council may decide on a different approach, such as increasing the rate to 100% of in-place value.

Regarding other resident concerns about adequate relocation assistance, staff is recommending amendments that would make renters (other than those exempted by prior noticing) eligible for basic relocation assistance, and adds new provisions to prevent hardship situations for the most vulnerable residents to be displaced (i.e., special needs and very low income households, whether owners or renters).

These provisions would require the relocation assistance plan to include the use of short-term rent subsidies, if necessary, to allow qualified households to secure comparable replacement housing. In addition, the proposed changes would add the cost of the first month's rent at a new location to the standard moving allowance, compared to the current allowance, which is a flat rate of approximately \$3,600 in current dollars, estimated to be adequate for moving personal belongings, a security deposit, and last' month's rent.

These requirements represent a balancing of resident and owner interests. Although they may increase overall conversion costs slightly, as they would prevent the most vulnerable park residents from displacement into substandard housing or homelessness, and therefore serve an important public interest. Other minor changes to the amended Ordinance give Council final approval over the relocation plan, so that it can exercise some discretion over the proposed assistance levels for each household or category of residents. This flexibility is preferred over highly prescriptive flat rates or inadequate provisions of an ordinance which cannot possibly anticipate all the possible relocation needs and scenarios of each household, and constantly changing housing market conditions well into the future.

Staff feels that the amended Ordinance as provided in **Attachment C** improves the required conversion process, while continuing the City's tradition of a balanced approach to address the concerns of various parties involved. Staff also believes the proposed changes would not impose costs on park owners beyond the limits of reasonable relocation costs noted in state law; however, in the event a park owner disagrees, the procedure for applying for a full or partial exemption to the relocation assistance requirements remains essentially unchanged in the amended Ordinance.

Zoning/General Plan Issues

There are 16 mobile home parks in the City, thirteen of which are zoned Residential Mobile Home Zoning District (R-MH) and three are zoned Commercial or Residential. Three of the parks zoned R-MH have a General Plan land use designation of Low-Medium Residential (R-LM), rather than Mobile Home Park (MHP), although mobile home parks are considered a low-medium residential land use in general. However, the more general R-LM designation would allow the land owner to build either a new mobile home park or standard housing on the property, whereas the more specific MHP designation allows only mobile home parks to be developed. Two of the parks designated R-LM converted to all-rental parks over 25 years ago, and noticed their tenants of the pending conversion before the Sunnyvale conversion ordinance was effective in 1987. To follow up on a Council inquiry, staff contacted management of the remaining park designated R-LM to see if the park owner would be opposed to changing the General Plan land use designation to MHP. Park management had not returned staff's phone calls by the time this report was prepared. Council could direct staff to study a zone change for the two existing R-LM zoned parks to MHP.

FISCAL IMPACT

No fiscal impacts have been identified as a result of adoption of the proposed ordinance. Redevelopment of properties and/or changes in land use often have positive or negative impacts on the city's property and/or sales and use tax revenues, however it is unclear if the proposed changes would result in any more changes in land use than would otherwise occur if no action is taken.

PUBLIC CONTACT

Staff held numerous outreach meetings with park owners, managers, residents, and developers. The Housing and Human Services Commission (HHSC) held two public hearings on this item, one on April 27, 2011 and the second on January 11, 2012. A Council Study Session was held on March 20, 2012, with several park owner representatives and park residents in attendance. Additional public hearings on this item will be heard by the HHSC on September 26, 2012 and the Planning Commission (PC) on October 22, 2012. **Attachment B** provides the dates of each meeting and summarizes participant comments.

Staff created and maintains a webpage on the City's website where information is updated to include meeting dates and locations, presentations and an overview of the project.

Public Contact was made through posting of the Housing and Human Services Commission agenda and Planning Commission Agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Introduce the attached draft Ordinance (**Attachment C**) to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses.
2. Introduce the attached draft Ordinance (**Attachment C**) to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses with modifications.
3. Direct staff to study zoning changes for the R-LM parks to MHP.
4. Take no action and/or direct staff to study additional options.

RECOMMENDATION

Alternative 1: Introduce amendments to SMC Chapter 19.72 as provided in **Attachment C**, implementing recommendations A through M described above.

The proposed amendments require relocation assistance based on tenants' actual relocation costs, consistent with state law, and recognize that many older mobile homes may not be able to be relocated. Resident organizations are provided with a longer noticing period so that they may have the opportunity to negotiate for purchase of the park, in addition to benefits currently provided. The recommended

changes do not significantly increase the total relocation costs for the applicant compared to the current requirements, while providing reasonable mitigations to prevent park residents from unreasonable hardships or homelessness due to the closure or conversion, prevention of which is an important public interest. Requiring the HHSC to determine the adequacy of the CIR and assistance package allows the Planning Commission to focus on the land use decisions rather than the housing needs of the tenants, which fall more clearly under the purview of the Housing Commission. The amendments provide a clearer and more straightforward ordinance, allowing all parties to more easily understand and implement the mobile home park conversion process requirements.

Reviewed by:

Hanson Hom, Director, Community Development
Trudi Ryan, Planning Officer
Prepared by: Ernie DeFrenchi, Affordable Housing Manager
Suzanne Isé, Housing Officer

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Study Issue Paper CDD-02
- B. Outreach Meeting Dates/Minutes
- C. Proposed Amendments to Sunnyvale Municipal Code Chapter 19.72: Mobile Home Park Conversions
- D. Summary of Other Jurisdictions' Conversion Ordinances
- E. Table Comparing Current Requirements to Proposed Requirements

Attachment A

Study Issue Paper CDD-02

2009 Council Study Issue

CDD-02 Consider Revisions to Zoning Code for Conversions of Mobile Home Parks to Other Uses

Lead Department Community Development

History 1 year ago Below the line 2 years ago None

1. What are the key elements of the issue? What precipitated it?

In 1985 the City Council adopted the *Conversion of Mobile Home Parks to Other Uses* (SMC 19.72) which established minimum requirements for the closure or change in use of a mobile home park (MHP). The intent of the Code was to balance the need to protect mobile home park residents with the rights of the property owner to make decisions about their business and the use of their property. To close a park, the property owner is required to submit a Conversion Impact Report (CIR) which contains information on the park residents, their individual relocation plans, and the relocation assistance provided. The Council decides whether a CIR does or does not meet the minimum requirements of the Municipal Code.

Since the requirement was established, the City Council has reviewed five CIRs (a 105 unit MHP in 1991, 30 units in 1992, 41 units in 1996, 68 units in 2005, and 29 units in 2007). All five were determined to meet the minimum Code requirements. During the 2007 review of the Flick's MHP, staff and Council Members noted opportunities to improve the current Code, including:

- Clarify process (closure of park vs. redevelopment application);
- Increase tenant compensation (due to change in housing costs and other situations);
- Clarify types of support to all tenant types (owners, renter, and any non-MHP tenants);
- Clarify roles (applicant as developer vs. Housing Specialist as tenant advocate). This could include modifying Housing Specialist process where the City, rather than the developer, manages the contract (similar to the EIR process) and establishes minimum requirements for Housing Specialist;
- Clarify information flow to residents (if from applicant, prior staff verification);
- Modify requirement for applicant to provide all MHPs in 200 mile radius;
- Provide status reports after CIR certified (60 and 120 days).
- Possible variations to requirement for notifying residents of future sales of mobile home parks.

2. How does this relate to the General Plan or existing City Policy?**GOAL C: ENSURE A HIGH QUALITY LIVING AND WORKING ENVIRONMENT**

Policy C.9 Minimize displacement impacts on tenants as a result of rehabilitation programs or land use changes.

Action Statements

C.9.a Require as a part of the City's application approval process that any land use change or rehabilitation program that displaces tenants shall include a plan stating the efforts taken by the property owner to assist relocation of tenants, including payment of relocation costs.

The tenant relocation plan could include: (1) favorable rental or purchase arrangements after

work is completed, (2) location of vacancies in similar housing, (3) fixed payments of moving costs, (4) no rent increases upon application and until relocation is secured, (5) right of first purchase refusal, (6) reduced purchase price options, and (7) assistance in locating new housing.

GOAL D: MAINTAIN DIVERSITY IN TENURE, TYPE, SIZE AND LOCATION OF HOUSING TO PERMIT A RANGE OF INDIVIDUAL CHOISES FOR ALL CURRENT RESIDENTS AND THOSE EXPECTED TO BECOME CITY RESIDENTS.

Policy D.5 Preserve mobile homes as an affordable housing option.

Action Statements

D.5.a Maintain land zoned for mobile home parks.

Quantified Objective: Maintain 400 acres in mobile home park zoning

D.5.b Continue to provide an equitable process with reasonable mitigation measures in the event of conversion of mobile home parks to a different use.

Sunnyvale adopted a Mobile Home Park Conversion ordinance (Zoning Code Chapter 19.72) in 1987. The regulations require notification of residents, preparation of an impact report, relocation assistance, and provide for a public hearing before a mobile home park can be converted to other uses.

3. Origin of issue

Council Member(s) Chu, Moylan
Board or Commission

4. Staff effort required to conduct study

Briefly explain the level of staff effort required

5. Multiple Year Project? No Planned Completion Year

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which? Housing and Human Services
Commission, Planning Commission
Is a Council Study Session anticipated? No

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required 0

Explanation

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? No

Explanation

9. Staff Recommendation

Staff Recommendation None

If 'Support', 'Drop' or 'Defer', explain

Reviewed by

Approved by

Department Director Date

City Manager Date

Attachment B

Outreach Meeting Dates/Minutes

Outreach Meeting Dates (Minutes Attached)

| Meeting Date | Hearing Body/Staff | Meeting Type |
|---------------------|---------------------------------------|--------------------------------------------------------------|
| March 23, 2011 | Staff | Mobile Home Park Owners and Developers |
| April 14, 2011 | Staff | Mobile Home Park Owners and Developers |
| April 21, 2011 | Staff | Western Manufactured Housing Communities Association Meeting |
| April 25, 2011 | Planning Commission | Study Session |
| April 27, 2011 | Housing and Human Services Commission | Public Hearing |
| January 11, 2012 | Housing and Human Services Commission | Public Hearing |
| January 12, 2012 | Staff | Community Outreach Meeting |
| March 14, 2012 | Staff | Park Owner Outreach Meeting |
| March 20, 2012 | City Council | Study Session |
| May 29, 2012 | Staff | Park Owner Outreach Meeting |
| June 4, 2012 | Staff | Community Outreach Meeting |
| June 14, 2012 | Staff | Community Outreach Meeting |
| September 26, 2012 | Housing and Human Services Commission | Public Hearing |
| October 8, 2012 | Planning Commission | Study Session |
| October 22, 2012 | Planning Commission | Public Hearing |

Outreach Meeting for Mobile Home Park Owners and Developers March 23, 2011

- Vacant spaces are usually not available in Sunnyvale, but still worth checking.
- Older coaches are generally not accepted at most parks.
- Consider: Planning Commission review for the development review proposal and change in land use. Housing and Human Services Commission review for the issues related to displaced residents/tenants.
- City staff at meetings with Housing Specialist and tenants: not a current requirement, but a past practice (e.g. City staff at Flicks MHP outreach meetings at Fair Oaks Park).
- Inform/invite Council and Commission to outreach meetings (note compliance w/ Brown Act requirements).
- Requirements need to be clear to MHP residents, developers, land owners, staff, community members at large, staff, etc.
- How long does the process take? Anticipate less than a year for a small MHP for certification of CIR and approval of development proposal.
- Clarify current CIR de facto conversion for 25% vacancy.
- Question about other type of conversion: to resident ownership of MHP, either through subdivision into individually-owned MH lots, or into cooperative – how does this relate to study issue? A: this generally happens in jurisdictions with MH rent control ordinances, not as likely in Sunnyvale at this time
- If zoned MHP, then keep MHP. If zoned differently, then check age and condition of MHP.
- 1 park owner inquired about including disclosure clauses in tenant leases (for coaches owned by park owner & rented out) in anticipation of future conversion (ie to possibly exempt new tenants from eligibility for relocation benefits?) Advised to consult with R.E. attorney

**Outreach Meeting for Mobile Home Park Owners and Developers
April 14, 2011**

No attendees

**Staff Presentation at Western Manufactured Housing Communities
Association Meeting
April 21, 2011**

Feedback from those in attendance:

- Relocation is not going to happen, even if the mobile home is in good shape, there is frankly nowhere to move
- The City has moved far away from where the process should be
 - Benefit for renters should not come near to what owners should get
 - “85% of in-place value” is already a lot
 - Why did we choose 85% in the first place?
 - Tenants are cashing in
 - Park owners are essentially being required to “buy back” their own property from those who chose to live there on their own free will
 - Look at court case in state of Washington: *Guimont vs Clarke 1994*
 - Park owners were being required to pay into a fund for relocation of mobile homes when park is to convert
 - The court ruled that it was unconstitutional for park owners to pay, and that residents should pay into such a fund (a portion of the rent they were paying the park owner would go into the fund)
 - Examine CA state law → interpretation is that assistance is required only for the relocation of the actual mobile home structure
 - All we’re hearing is what’s good for the residents, and what they would like. What about the park owners? There needs to be BALANCE
- There used to be a 17-year limit on the use of land as a mobile home park. This ban was lifted because mobile home structures were appreciating in value
- Does state law allow sublease? *It’s the park owners’ choice to sublease*
- Even the 20-mile radius listing requirement may not even be relevant
- Include Margaret Nanda, Housing Specialist who was involved in the two most recent mobile home park conversions, in the study

Mobile Home Park Conversion Ordinance Study
Planning Commission Study Session
4/25/11

Commissioner comments following MHP presentation:

- Good idea to have HHSC hold 1st hearing on CIR, rather than PC (& then send to CC)
- Send CIR straight to CC, too painful for commissioners to hear.
- In past conversions, MHP space vacancies were all really far away from Sunnyvale (Barbara County). Perhaps a resident driven approach is more appropriate.
- What does state law require, in terms of compensation for residents? Does the 85% in-place value come from state law?
- Why have PC or HHSC hearing at all if Commission's "hands are tied"? [ie if CIR meets requirements but does not satisfy residents]
- If you have more than 1 hearing, public may not know which one to attend.
- Separate review of the CIR from review of the development application
- Where are we on the policy of maintaining 400 acres of land zoned Residential Mobile Home Park? If we're close to that 400 right now, would we allow anymore parks to convert?
 - *TR* → *It is a policy and not law. It is up to Council to make that decision.*
- Are there any possibilities for redeveloping the parks as or with affordable housing that can accommodate the park residents? It's very easy for affordable housing to go away...
- Why should coach owners get any more benefit than renters of standard rental housing [when landlord terminates a lease]?
- What is the success criteria of this study? What are we trying to achieve, and which side of the equation are we leaning towards?

Public comments:

- Available for any questions regarding the experience of living in a mobile home park
- It is important to fully review why the conversion ordinance was created in the first place, as this may address many of the questions that have been identified throughout this study
 - The original MHP conversion was proposed to counter political movement asking for rent control
 - There used to be a 17-year limit on Use Permits
 - Would like staff to call her so she can tell him all the detailed history of the original ordinance.



APPROVED MINUTES

SUNNYVALE HOUSING AND HUMAN SERVICES COMMISSION WEDNESDAY, APRIL 27, 2011

The Housing & Human Services Commission met in a regular session in the Council Chambers at 456 West Olive Avenue, Sunnyvale City Hall, Sunnyvale, CA 94087 on April 27, 2011 at 7:08 p.m. with Vice Chair Pham presiding.

SALUTE TO THE FLAG

Led by Commissioner Fowler

ROLL CALL

Commission Members Present: Hannalore Dietrich, Fred Fowler, Younil Jeong, Anna Ko, and Mathieu Pham.

Commission Members Absent: Eric Anderson (excused), Dori Hailu (unexcused).

Staff Present: Suzanne Isé, Housing Officer and Edith Alanis, Housing Programs Technician.

Others Present: Various agency representatives and members of the public.

SCHEDULED PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1. A. Approval of Draft Minutes of March 23, 2011.

Vice Chair Pham asked for a motion to approve the draft minutes of March 23, 2011.

Commissioner Dietrich moved and Commissioner Ko seconded to approve the draft minutes of March 23, 2011 as presented with minor corrections provided to staff.

Motion passed unanimously 5-0-0.

PUBLIC COMMENTS

Jerry Olsen, a realtor who has been selling mobile homes for the last 16 years, wanted to raise awareness of the impact that space rent increases (due to lack of rent control in Sunnyvale), are having on mobile home sales and how it depreciates the value of the existing homes in the parks. He suggested that it may be a strategy that some of the smaller park owners can use to force mobile home owners out without compensation and ultimately sell the park.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Public Hearing: Draft FY 2011-2012 HUD Action Plan

Officer Isé gave a brief presentation and some background on the purpose of the 2011 Action Plan, which sets forth how that City proposes to spend the CDBG and HOME grant funds that it receives from the federal government. She reviewed all the activities that are proposed for fiscal year 2011-2012, and pointed out that the 2011 Action Plan included the recommendations the Commission made regarding capital projects and human services at the meeting of March 23, 2011.

She also informed the Commissioners that the preliminary estimates of the City's grant amount provided by HUD were slightly higher than staff had estimated at the March meeting.

Vice Chair Pham opened the public hearing at 7:21p.m.

Bob Campbell, Executive Director of Senior Housing Solutions spoke on behalf of his agency and asked that the Commissioners reconsider funding his senior housing case management program. He stated that he researched the possibility of case management services being provided to his tenants by an outside provider and was not able to find any that would provide what his residents currently receive. He described on the direct impact that this funding cut would have on the 14 residents living at the three Sunnyvale residences: They would not receive the case management services that help them adjust to their new living situation and lead more fulfilling lives with less depression, more physical activity and better quality of life. The case manager provides these services at the residences, holds house meetings to address and work out any conflicts among the residents, and refers them to other providers for other medical or legal matters if necessary. Lastly, he pointed out that this was the first time in the 15 years that they have been in Sunnyvale providing these services that the Commission did not recommend them for funding.

Michelle Schroeder, staff of Senior Adults Legal Assistance (SALA), expressed gratitude for the many years of City support. The Commission and staff had agreed to set a minimum funding amount of \$10,000, which would have meant not funding additional agencies. Ms. Schroeder reiterated that any amount of funding would be gladly accepted by SALA and put to good use. SALA currently provides services in Sunnyvale three times a month, but without any City funding they would likely only be able to serve the City once a month.

Kathleen King, Executive Director of the Santa Clara Family Health Foundation, thanked the Commissioners for the time and effort that they have put into this process to make the difficult decisions of who to fund. She gave the following statistics: one in five Sunnyvale residents is under 19 and about one-third of those children are considered low-income. Between 500-700 Sunnyvale children are covered by the Healthy Kids program. It costs approximately \$1,000 per child for annual health coverage through Healthy Kids.

Olivia Garcia, Ombudsman for the Long Term Care Ombudsman program of Catholic Charities, thanked the Commissioners for their past support and pointed out that the Ombudsman program is federally mandated, but not federally funded. She explained that they are advocates for the most vulnerable citizens who sometimes do not have anyone else to speak for them. She gave a brief description of the types of issues that they address, such as missed meals or baths, to sexual abuse by family members or employees, or other types of abuse, such as mental or financial abuse.

Joan Smithson, Site Manager of the Senior Nutrition Program which has been providing services in Sunnyvale for 36 years sponsored by the First United Methodist Church explained that she has been working diligently to try to find additional funding to make up for the lower grant amount

recommended for their program for the next two years. She hopes that they may be able to offset the reduction for the first year, but will not be able to do it for the second year. She reminded the Commissioners that her program provides nutritious meals in a congregate setting where seniors come to socialize, listen to music, and dance 5 days per week. She urged the Commission not to fund any one agency 100% of their requested grant at the expense of other agencies such as hers.

Marie Bernard, Executive Director of Sunnyvale Community Services (SCS), explained that her agency believed that everyone deserved to have something to eat and a roof over their head. She shared that about 750 families had been at SCS from 7:30 a.m. to 5:15 p.m. that day to receive about 3-4 days' worth of food. They were helped by over 300 volunteers who worked for many hours and many days to put together the food bags that they received. She asked that the Commissioners continue to put a priority to fund SCS due to the sheer volume of residents that it helps to feed and house, and to keep in mind that not only SCS serves the residents, but other agencies also provide services at SCS's facilities. In addition SCS refers clients to other agencies and vice-versa.

Colleen Hudgen, Executive Director of Live Oak Adult Day Services, thanked the Commissioners for their arduous hard work and passion to serve the City of Sunnyvale. She also thanked them for the current recommendation to fund Live Oak and explained the services they have provided for the last 30 years to Sunnyvale residents and their families. She highlighted that all the agencies are waiting to find out what the county cuts will mean for them. Lastly, she pointed out that the City is getting the biggest bang for their buck by funding all the different agencies that partner with each other because it increases the leverage and the services that they are able to provide by helping each other.

Dan McClure, Executive Director of Generations Community Wellness, "Movetrition" program thanked the Commissioners for their recommendation to give Movetrition an opportunity to promote nutritional changes that will go beyond the children that participate. He highlighted the extent of these changes from children learning how to eat fruits and vegetables, to changes in policy at the school system to change their lunch menus to include more fruits and vegetables.

Maritza Henry, with Family and Children Services, which provides crisis intervention and case management to at-risk youth at the Columbia Neighborhood Center, pointed out that these were the same youth that were mentioned earlier in the low-income category, and they are at risk of depression, suicide, child abuse, sexual abuse, neglect, and getting involved in gangs. Her agency provides services to the parents to empower them to become better parents to help the youth. They have stabilized over 20 youth over the last few months. She thanked the Commissioners for their past support and for their current funding recommendation.

Vice Chair Pham closed the public hearing at 7:54 p.m.

Vice Chair Pham opened the floor for discussion.

After some brief discussion Commissioner Fowler stated that he would like to make three motions.

After some discussion, Officer Isé clarified for the Commissioners that per their direction at the meeting of March 23, any additional CDBG funds would be split on a prorated basis among all the agencies that had been recommended for funding in March, and that if any of the smaller grants

were declined, that amount would go to Sunnyvale Community Services to get them closer to the 25% maximum.

Vice Chair Pham asked for a motion to approve the 2011 Action Plan.

Commissioner Fowler moved and Commissioner Dietrich seconded to approve the FY 2011-12 Action Plan as presented.

Motion passed unanimously 5-0-0.

Commissioner Fowler stated that he believed that the Commissioners could also provide Council additional recommendations. He explained that during his last year as Council member in 2005-2006, he voted for a 20-year budget plan which projected how much money was expected to be in the City's reserve fund in 2011. To his surprise he learned that there is actually more currently in the reserve fund than what was projected in 2005. Commissioner Fowler estimated that by using nine one-hundredths of one percent of the budget stabilization fund the City Council could back-fill this year's CDBG shortfall. He expressed that the current economic situation is exactly the rainy day that this fund was created to address.

Commissioner Fowler moved and Commissioner Dietrich seconded to recommend to Council to use the Budget Stabilization Fund to fully fund all 18 selected agencies at the "Recommended Award" level for a total of \$347,000 [as shown in the Draft Action Plan].

No VOTE

Commissioner Ko expressed confusion about the Budget Stabilization Funds and did not feel confident that it was intended for this type of use.

Director Hom, who had entered the meeting during this discussion, reminded the Commissioners that the current Human Services funding policy sets a maximum of \$100,000 in General funds and suggested that they might want to rephrase their motion, since this was a deviation from established policy.

Commissioner Fowler offered to restate the motion.

Commissioner Fowler moved and Commissioner Dietrich seconded to recommend to City Council that they grant an exception to the existing policy for this two-year cycle and backfill the CDBG deficit with money from the General Fund Budget Stabilization Reserve up to the amounts shown as "Recommended Awards" on page 8 of the Action Plan.

Motion passed 4-1-0 with Commissioner Ko dissenting as she did not feel that she was informed enough on the Budget Stabilization fund to vote in favor of the motion.

Commissioner Fowler moved and Commissioner Dietrich seconded to recommend that Council grant an exception to the existing policy for this funding cycle and consider awarding funding to Senior Housing Solutions in the amount of \$8,000 and to Maitri in the amount of \$4,000 out of the Budget Stabilization Reserve Fund, in addition to the prior motion to back-fill the CDBG deficit.

Motion passed 4-1-0 with Commissioner Ko dissenting for the same reason as stated for the prior motion.

2. Public Hearing: Mobile Home Park Conversions - Tenant Protection Requirements
(former CDD Study Issue 09-07)

Housing Officer Isé gave a brief slide presentation on the Mobile Home Park Conversions Ordinance Study.

She explained that the presentation was intended to provide historical background to explain the origin of the study and its focus on the current ordinance, to see if it is adequate to address the needs of park residents and other parties involved; to outline some of the issues that were identified when that the study issue was proposed; and to highlight some of the options that have been suggested to address some of the shortcomings that were identified.

Officer Isé highlighted that there are currently no parks proposed for conversion at this time.

Vice Chair Pham opened the public hearing at 8:41 p.m.

| Resident Name | Comment |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Christopher M. Fallon | Resident of Adobe Wells urged the City to preserve these communities that in his opinion have lower crime rate and are better kept than other areas of the City. He also expressed that mobile home owners are home and property owners just not land owners. He pointed out that mobile homes are not coaches, that they are homes sometimes larger and nicer than some condominiums. He expressed that he felt like mobile home owners were being treated as if they were disposable, and encouraged the City to include a "right of first refusal" in the conversion ordinance so the tenants can have some sense of security and stability. |
| Sandra Pacheco | Resident of Plaza del Rey expressed great concern at learning that park owners have the ability to sell the land and convert the parks. She highlighted that Plaza del Rey does not have any mobile home renters, therefore, the community is very close knit and the properties are well cared for. She expressed her support to the idea of having the right of first refusal. She added that she would have never come to Sunnyvale if she had known that she could be uprooted and forced to relocate if the park owners decided to sell and convert the park. |
| Frank Cauthorn | Resident of Plaza del Rey and former City of Sunnyvale Building Official also spoke to the high quality of life that he has enjoyed being a mobile home park resident for the last 30 years and asked for some protection from the City. |
| Rick Vavak | Resident of Adobe Wells expressed that he felt that residents of mobile homes are being treated as second class citizens and not being afforded the absolute full degree of first class citizen consideration as a person that lives in a single family dwelling. He spoke of his frustration at feeling that his contributions to the community somehow mean less because of where he has chosen to reside. |

| Resident Name | Comment |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trisha Vavak | Resident of Plaza del Rey and sister of Rick Vavak expressed relieve at finding out that the more that she learns about this process tonight she is learning that the City is indeed providing some protection for all involved. However, she expressed that if she had known that there was any possibility that she could be forced to move, she would have never bought a manufactured home in Sunnyvale. She suggested that future owners be told before they buy. She was also displeased at hearing during the presentation that owners would be compensated at 85% of the value of their home. She urged the City to afford mobile home park owners the same respect and consideration as any other resident. |
| Marsha Manciano | Resident of Plaza del Rey highlighted that his modular home is hardly mobile. She supported the "first right of refusal" and asked for protection from the City. She also asked that rent control be considered at the very least for the older residents who live on fixed incomes and are having trouble keeping up with the rent increases. |
| Margo Raff | Thanked the Commission for the opportunity to have this open discussion. She also pointed out that a lot of the residents that probably would have input or needed to hear this information are back at the mobile home parks because they either do not drive at all or do not drive at night. She suggested having a meeting at a location that is more accessible to all the residents that cannot make the trip to City Hall. She also objected to the 85% of home value and pointed out that the continued rent increases are making mobile home parks less than affordable. She also inquired to the time frame for this conversion process. |

Vice Chair Pham closed the public hearing at 9:44 p.m.

Vice Chair Pham reopened the public hearing at 9:46 p.m.

A resident suggested raising the 85% value of home to 115% value of the home as consideration and compensation for the inconvenience to have to relocate and to make the timeline for the process 5 years rather than 1 year.

Costa Karkalemis owner of Aloha RV and Trailer Park since 1977 when the park was converted from commercial zoning to high-density residential explained that he expected that someday it would be converted into residential as has included language in his rental agreements alerting his tenants to the potential of conversion ever since. He also expressed that he did not feel that the mobile home ordinances should apply to him, since his park does not have any mobile homes, only RVs and does not feel that he should have to pay for relocation.

Mr. Karkalemis was advised to seek professional legal advice for his individual circumstances and also to contact City staff for zoning questions that he may have.

Vice Chair Pham closed the public hearing 10:05 p.m.

During the public hearing Commissioner Fowler pointed out that the City is trying to balance the rights of all property owners; park owners and individual mobile homes owners. He expressed that mobile home owners had the right to live in and enjoy their homes just as park owners had the right to use the land as they see fit.

Housing Officer Isé reassured the residents that this process is not happening because any park owner has informed the City of their intent to convert, but more as preparation for if or when it happens. She also highlighted that a mobile home park owner selling did not automatically mean a conversion since a lot of them are zoned to be used exclusively as mobile home parks.

Commissioner Fowler spoke about rent control and explained that it is a law and that there is no such law in Sunnyvale. Rent control could be put in place in one of two ways; via collection of enough signatures for a ballot measure for the residents to vote on, or via City Council having 4 votes in favor of enacting such law.

Residents were advised of future meetings on this topic tentatively scheduled for July and September, and that they could also provide input in writing to housing and planning staff. Further, they were informed that all their input would be included in the minutes of this meeting and posted online at the Housing and Human Services Commission webpage.

There was a lengthy discussion with regards to the housing specialist, its importance in this process, and how it is chosen.

Commissioner Fowler also questioned the soundness of the "85% value of the home" required compensation when compared to the City exercising its right to eminent domain and still having to pay full market value. He asked that staff bring back information on the basis for the 85% value to a future meeting.

There was lengthy discussion and more clarification from staff on various aspects of the process.

Commissioner Fowler asked that staff explore the possibility of having the next Housing and Human Services Commission meeting at one of the club houses in the mobile home parks. Commissioner Fowler recalled that City Council held a meeting at Adobe Wells.

Officer Isé informed the Commissioners that they did not need to take any action and could provide a recommendation at their July meeting.

3. Public Hearing: Draft Language Access Plan

Officer Isé gave a brief report on the Language Access Plan. She explained that implementing it is a condition of receiving federal funds and is enforced by the Department of Justice.

She added that although HUD gives very specific direction, it does not expect the City to spend funds that are not within its budget and that would be a hardship to implement. She reviewed the many resources that are available, including regular City staff that assists in one-on-one translation as well as in translating brochures.

Vice Chair Pham asked for a motion to recommend adopting, deferring or taking any action on the Language Access Plan.

Commissioner Fowler moved and Commissioner Dietrich seconded to endorse the Language Access Plan.

Motion passed unanimously 5-0-0.

NON-AGENDA ITEMS AND COMMENTS

- **BOARDMEMBERS OR COMMISSIONERS ORAL COMMENTS**
 - Commissioner Dietrich attended the Fair Housing Law Project event at the Library.
 - Commissioner Fowler advised the Commissioners that he will be out of the country May 20-June 5.
 - Commissioners agreed by consensus to cancel the May meeting.
 - Remember to vote. Measure B ballot for school district to add \$59.00/parcel annual tax. Mail ballot by tomorrow 5/28/2011.
- **STAFF ORAL COMMENTS**
 - Announced that the Mayor will attend the June meeting
 - Reminder of tour of Fair Oaks Senior Housing
 - Film Series coming up in May

INFORMATION ONLY ITEMS

None

ADJOURNMENT

Meeting adjourned at 10:52 p.m.

Respectfully submitted,

Suzanne Isé
Housing Officer



APPROVED MINUTES

SUNNYVALE HOUSING AND HUMAN SERVICES COMMISSION JANUARY 11, 2012

The Housing and Human Services Commission met in special session in Council Chambers, located at 456 W. Olive Avenue, Sunnyvale, CA 94088, at 7:00 p.m. with Chair Dietrich presiding.

Due to the large number of attendees, the meeting was moved from the West Conference room to the Council Chambers.

The meeting was called to order at 7:10 p.m.

ROLL CALL

Commission Members Present: Eric Anderson, Hannalore Dietrich, Patti Evans, Fred Fowler, Younil Jeong, and Anna Ko.

Commission Members Absent: Matthieu Pham (unexcused)

Staff: Hanson Hom, Director of Community Development; Suzanne Isé, Housing Officer; and Edith Alanis, Housing Programs Technician.

Others:

SCHEDULED PRESENTATION

None.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

1.A. Approval of Draft Minutes of November 16, 2011

Chair Dietrich provided staff with some minor typographical comments on the minutes and asked for a motion to approve the consent calendar.

Commissioner Anderson moved and Vice Chair Fowler seconded to approve the consent calendar.

Motion passed 5-0-1 with Vice Chair Fowler abstaining because he was not present at the November 16, 2011 meeting.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS/GENERAL BUSINESS

2. Public Hearing: Consider Revisions to the Zoning Code for Conversions of Mobile Home Parks to Other Uses.

Housing Officer Suzanne Isé gave a brief presentation of this item. She explained that the memo that the Commissioners had received in the meeting agenda packets was a summary of the Report to Council (RTC) that is being prepared on this item, which Council will consider at the end of February. That memo is available on the Commission's home page on the City's website.

She explained that in 2009 Council proposed a study issue on this matter, due to the confusion that arose during the closure of the Flick's mobile home park in 2007. She emphasized that the City policy is to preserve mobile home parks as an affordable housing resource, and to maintain at least 400 acres of land zoned for mobile home parks, while ensuring that if parks are closed, the displacement impacts on tenants are minimized, consistent with State law. Officer Isé also stated that the goal of this study is to balance the needs of park residents and park owners, and clarify the permitting procedures involved in a conversion application.

Officer Isé noted that the memo in the agenda packets also included a table with a brief summary of the proposed changes to resident relocation assistance requirements, and briefly explained each of the proposals. She noted that comments on this matter could be submitted in writing or by email, and that a website (www.MobileHomeParks.InSunnyvale.com) had been set up for easy access to information and updates. Officer Isé concluded her presentation by providing staff's contact information in case anyone had questions after this meeting.

Commissioner Fowler asked if staff had provided enough outreach to park owners and developers, and why the Report to Council was not ready to be reviewed by the Commission. Officer Isé explained that additional complexities had delayed its completion beyond the deadline for inclusion in their meeting packets. Director Hom also noted it was also due to some work load issues in the Department.

Commissioner Fowler asked for an opportunity for the Commission to review the RTC before it goes to Council. After some discussion and clarification, staff agreed it could be added to the Commission's February meeting agenda, which occurs prior to the Council hearing date of February 28, 2012.

Commissioners asked questions about the 100-mile moving allowance, the 25% vacancy threshold, and how the in-place value is determined. A member of the public suggested that tenants be allowed to submit their own appraisal as well as the park owner's to determine in-place value, in order to prevent unfavorable or one-sided appraisals. Someone also suggested ensuring that rents could not be raised during the park conversion process.

Chair Dietrich opened the public hearing at 8:13 pm.

Bill Vaughn, a 40-year Sunnyvale resident and 20-year resident of Plaza del Rey Mobile Home Park, expressed concern with the effect that rezoning of mobile home parks has on the mobile home values and their marketability.

Robert Surmani, a 10-year resident at Fair Oaks Park, expressed concern about the value of mobile homes that are more than 20 years old, since it was noted that it was not likely that other

mobile home parks would accept them. He also mentioned the poor conditions of his park and the lack of maintenance, which do not warrant the high space rents being charged. He does not see mobile homes as an affordable housing option anymore.

Sandy Pacheco, a 10-year resident of Plaza de Rey, is concerned about the aging park residents who may not understand all the jargon in the ordinance, and should not be forced to move after living there for almost 50 years, as some have. She also dislikes calling mobile home parks "low-income" housing.

Joanne Grigore, a resident of Plaza del Rey, asked that real estate practices be considered, and that Realtors be required to disclose any rezoning possibilities to prospective mobile home buyers. She asked that there be some distinction when assessing the relocation value based on the type and model of the home.

Anne Grant, a resident of Plaza del Rey and a local Realtor, is grateful for the protections that are being proposed on behalf of the residents. She shared an example in Santa Cruz County where the values of mobile homes dropped dramatically as soon as the news of the closure of a park was made public. She is also concerned about older residents who may find it difficult to find other living arrangements, since some have lived there for decades and have no other family.

Charles Olson, an attorney with Stein & Lubin law firm, spoke on behalf of the owners of Plaza del Rey. He stated that the owners of Plaza del Rey have no intention of selling the park. However, he wanted to give input from the perspective of a park owner. He stated that the ordinance should be revised to comply with state law and to provide a process that is equitable for both the mobile home owners and the park owners. He pointed out that as Officer Isé had stated, state law required displacees to be provided with reasonable cost of relocation of their homes, but like federal law, makes no mention of "reasonable compensation" [of the home's in-place value]. He asked that the study include an analysis of whether it is economically possible for park owners to comply with the purchase requirement at 100% of in-place value, when the homes are worth a lot, without making it so burdensome on the owners that it would prevent them from converting the park. He cited a case in Washington State which found that placing all the burden of relocation costs on the property owners violated the Equal Protection Act. Mr. Olson also provided a letter explaining his legal analysis of the current proposals.

Jamie Grant, a resident of Plaza de Rey, expressed his gratitude to the City for protecting the interests of mobile home owners, and for preserving the 400 acres zoned for this use which do provide an important housing alternative in Sunnyvale. He asked that the relocation assistance requirements consider the environment and community characteristics that make a place a home. He also mentioned that when a park closes, it affects the mobile home prices everywhere in the city.

Terry Olson, a resident of Blue Bonnet and a Realtor, shared that as a Realtor he has sold over 500 mobile homes. He spoke about the lack of rent control in Sunnyvale, and how rents are steadily going up while depreciating the values of the homes. He estimated that for every hundred dollars that a space rent goes up, the home loses up to fifteen thousand dollars in equity. He is concerned that this is a strategy that park owners are using to push mobile home owners out.

Marlice Salsbery, a resident of Fair Oaks Park, is concerned about how strong these protections really are. She noted that rents in her park have gone up so high that she cannot sell her home

which was on the market for two years. Homes in her park are being abandoned because the elderly owners cannot keep up with the rising rents, forcing them to go into foreclosure. Once the lenders foreclose, the park owners take possession of the mobile home and bring in renters, preventing new home owners from moving in. She contacted the Ombudsman in Sacramento to report the poor conditions in her park and it took them six months to show up to inspect the park. She tried to move her home out of the County two years ago, but was told that her homeowner's insurance would cancel her policy and her mortgager would pull her mortgage if she moved it.

Linda Brost, a resident of Plaza del Rey, had questions for Officer Isé about her presentation. Although she was pleased to hear that the owners of Plaza del Rey have no intention of selling, she inquired about the assurances that mobile home owners have when the park changes ownership. Are the space leases enforceable? She asked for some clarification on first right of refusal and the rationale for using the lowest bid for relocation expenses rather than the highest.

William B Young, a resident of Fair Oaks Park, stated that he used to be the Assistant Manager at the park many years ago before the Browns sold it. He stated that the park is now run down, but the rents continue to go up, and the value of their homes continues to go down.

Seeing no more commenters, Chair Dietrich closed the public hearing at 9:22 pm.

Chair Dietrich asked for a motion. Commissioner Fowler suggested tabling any formal action until they have had a chance to see the Report to Council at the next meeting. He also suggested that the right of first refusal [to buy the park] be clear and address different scenarios depending on the situation such as a simple change of ownership vs. a rezoning. Commissioner Anderson suggested that the language regarding the mobile home appraisals be permissive, rather than forcing the homeowner to accept the park owner's appraisal. Commissioners agreed not to take any formal action on this item at this time.

The Chair called for a break at 9:26 pm.

The Chair called the meeting back to order at 9:50 p.m.

3. RTC 12-009: Proposed Update to Policy 7.3.2, including 2012 Priority Issues and Legislative Advocacy Positions (LAP)

Officer Isé explained that this item had been added to their agenda pursuant to a Council request that all Boards and Commissions review and comment, if desired, on this update. The City has decided to streamline its procedures and reduce repetitive policy language in various policy documents, such as the General Plan, the LAP, the list of priority issues and the Council Policy Manual.

She advised to the Commissioners that if anyone would like to suggest adding an issue to the LAP or the list of priority issues, or would like to comment on any of the current issues, they may do so at this time.

Hanson Hom added that staff recognized that the Legislative Advocacy Positions were out of date, or were already covered in other policy documents, and there was no need to repeat them in multiple City documents. This is an effort to streamline and minimize redundancies.

Commissioner Anderson asked for clarification on the issue noted in the RTC regarding changes to state redevelopment law and tax increment revenues.

Director Hom responded that redevelopment agencies are presently facing major political hurdles, and the recent State Supreme Court decision upheld their abolishment by the State.

Commissioner Fowler asked if the City had a position about a standard national sales tax rate.

Commissioner Anderson noted that his impression from this document is that the only thing everyone can agree upon is that we want the City to be well funded and to operate well.

Chair Dietrich open the public hearing at 10:04 pm.

Chair Dietrich closed the public hearing at 10:05 pm.

Commissioner Anderson asked how the City implements its advocacy on any of these positions.

Director Hom explained that there are different ways staff can handle advocacy efforts, such as drafting a letter for the Mayor to sign in support or opposition to particular bills. The Mayor may decline to sign the letter unilaterally, and bring it to the entire Council, if desired.

Commissioner Fowler asked if there was a policy to advocate for more CDBG funds or at least to not make further cuts. Officer Isé confirmed that there was a policy in place and that the City has sent advocacy letters on this matter in recent years.

Chair Dietrich asked for a motion.

After brief discussion, there was no motion for any action on this item.

4. Review of Draft Request for Proposals (RFP) for 2012 CDBG and HOME Capital/Housing Projects

Officer Isé gave a brief report and provided background on this item.

She noted that this RFP was based on last year's RFP, with several minor changes. The only substantive change made was the addition of "community-based development organization" (CDBO) job training activities as an eligible use of CDBG funds, and more description of the scoring categories. The rest of the changes were primarily for clarification purposes.

Officer Isé reminded the Commissioners of the presentation they had received from Downtown Streets Team in the Fall, and explained that a similar type of program could be funded under the CDBO job training activity.

Commissioner Anderson asked if NOVA would qualify under the new job training category. Officer Isé explained that their programs might, but that NOVA as an agency could not qualify, due to the CDBG regulations which require that the "CDBO" organization serve only Sunnyvale, while NOVA serves seven cities.

Open and close at 10:21 pm.

Commissioner Ko moved and Vice Chair Fowler seconded to approve and issue the Request for Proposals as presented by staff.

Motion passed unanimously 6-0-0.

NON-AGENDA ITEMS AND COMMENTS

B/C Members Oral Comments
None

STAFF Oral Comments

- Director Hom announced that Councilmember Pat Meyering is the new City Council Liaison assigned to Housing and Human Services Commission for the next six months and briefly explained his role.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

The meeting adjourned at 10:25 pm.

Respectfully submitted,

Suzanne Isé
Housing Officer

Community Outreach Meeting January 12, 2012

Staff provided an update to the attendees on the progress of the study and some of the recommendations that were being researched.

Feedback from those in attendance:

- Vacant spaces are usually not available in Sunnyvale. Why would the City expect Sunnyvale residents to move out of the area and up to 200 miles away?
- How long does the process take?
- Why wouldn't I receive 100% of the value for my home?
- What if I am upside-down in my loan, will the park owner pay it off?
- Will there be other opportunities to let City leaders know how park residents feel about their homes being converted.

Park Owner Outreach Meeting

March 14, 2012

Staff provided an updated to the attendees on the progress of the study and some of the recommendations that were being researched.

Feedback from those in attendance:

- There are plenty of regulations for mobile home parks, why add more when state law addresses conversions.
- Why add time to the process by considering letting residents negotiate to purchase the park? This process would not streamline the process.
- The information should be translated into Spanish.
- Why should renters have protection?
- Renter should be entitled to a moving allowance.
- If a large park is closed and everyone is looking for replacement housing, it may make finding replacement housing that much harder.
- The City should do something to try and keep mobile home parks in Sunnyvale.
- Will there be other opportunities to let City leaders know how we feel about the recommendations?

CITY OF SUNNYVALE
City Council Study Session Summary
Consider Revisions to the Zoning Code for Conversions of Mobile
Home Parks to Other Uses (Study Issue)
March 20, 2012

The City Council met in a study session at City Hall in the Council Chambers, 456 W. Olive Avenue, Sunnyvale, California on March 20, 2012 at 6 p.m., with Mayor Spitaleri presiding.

City Councilmembers Present:

Vice Mayor David Whittum
Councilmember Moylan
Councilmember Griffith
Councilmember Meyering
Councilmember Martin-Milius
Councilmember Davis

City Councilmembers Absent:

None

City Staff Present:

Hanson Hom, Community Development Director
Suzanne Isé, Housing Officer
Trudi Ryan, Planning Officer
Kathryn Berry, Sr. Assistant City Attorney
Ernie DeFrenchi, Affordable Housing Manager
Rosemarie Zulueta, Assistant Planner

Call to Order: 6 p.m.

Study Session Summary:

Community Development Director Hanson Hom and Housing Officer Suzanne Ise provided a brief staff report to summarize the Mobile Home Park Study Issue, primary areas of concerns and possible options for addressing concerns.

Council discussed the basis for the Study and how it was included as part of the implementation plan of the Housing and Community Revitalization Sub-element, which was approved by City Council in August 2009. Additionally, Council discussed mobilehome park zoning and what issues the study would not address.

Park Owner representatives spoke against changes to the existing Ordinance (or the need to even have one since State Law regulated the conversion process) and a revised Ordinance that did not include a discussion on the conflict between tenants and owners over relocation benefits.

Park Owner representatives spoke in favor of staff conducting additional outreach meetings and providing clarity on the current conversion process.

Park residents spoke against the Study not addressing rent increases and park maintenance issues.

Adjournment: 7:05 p.m.

Respectfully submitted,
Ernie DeFrenchi, Affordable Housing Manager

Park Owner Outreach Meeting
May 29, 2012

Staff presented an overview of the recommended changes to SMC 19.72.

Feedback from those in attendance:

- Risky to incur costs of CIR review & approval prior to entitlements
- Council has discretion to change 400 acre minimum zoning / General Plan (GP) requirement
- What is “adequate” assistance?
- Required compensation is too costly for larger/newer parks
- Who hires relocation specialist?
- Park exemption requirements too burdensome

Outreach Meeting
June 4, 2012

Staff presented an overview of the recommended changes to SMC 19.72.

Feedback from those in attendance:

- A member of the public stated that finding a park that will accept older mobile homes within the 20 mile and 200 mile radius is very unlikely.
- A member of the public stated that there should be some form of relocation benefits for renters of mobile homes and standard dwelling units in a park.
- A member of the public stated that renters actually tend to pay more to rent the mobile home than the mobile home owner is paying for the actual space in the park.

Outreach Meeting
June 14, 2012

Staff presented an overview of the recommended changes to SMC 19.72.

Feedback from those in attendance:

- How many mobile homes must be in an RV park before it is considered a mobile home park?
Answer: Per State HCD a mobile home park is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation.
- How many RV parks are in Sunnyvale?
Answer: 0 per State HCD all parks in Sunnyvale are permitted as mobile home parks. However, Aloha Mobile Village provides rental spaces for travel trailers.
- Council should consider requiring a minimum number of acreage for RV parks.

Attachment C

Proposed Amendments to Sunnyvale Municipal Code Chapter 19.72: Mobile Home Park Conversions

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO CONVERSIONS OF MOBILE HOME PARKS TO OTHER USES.

SECTION 1. SECTION 19.12.020 AMENDED. Section 19.12.020 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.020 “A”

(1) – (4) [Text unchanged.]

~~(5) — “Adjusted for inflation” shall mean adjusted by the percentage variation between the Housing Component of the Consumer Price Index for the San Francisco Bay Area published by the United States Department of Labor, as such index existed on May 8, 1987, and the index as it may exist at the time the city council shall have determined that a conversion impact report required by Chapter 19.72, is in compliance, or the date of relocation, whichever first occurs.—~~

(6) – (19) [Renumber (5) – (18) consecutively. Text unchanged.]

SECTION 2. SECTION 19.12.040 AMENDED. Section 19.12.040 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.040. “C”

(1) “Cardroom” means any establishment where any card game is played for currency, check, credit or any other thing of value.

~~(2) — “Change of use of a mobile home park” means a use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes for human habitation. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, or any form of ownership wherein spaces within the park are to be sold, and the cessation of use of all or a portion of the park, whether immediately or on a gradual basis, or the closure of the park.~~

(3) – (8) [Renumber (2) – (7) consecutively. Text unchanged.]

~~(9) — “Comparable mobile home park” means any other mobile home park substantially equal in terms of park amenities, rent, and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is gainfully employed, and proximity to schools if the resident has school age children.~~

(10) – (18) [Renumber (8) – (16) consecutively. Text unchanged.]

SECTION 3. SECTION 19.12.050 AMENDED. Section 19.12.050 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.050. “D”

~~(1) “Date of application for change of use” means the date of one of the following actions authorizing a change of use of a mobile home park, whichever first occurs: initiation by the city council of consideration of a general plan amendment; or filing of an application for rezoning, special development permit, or use permit.~~

~~(2)(1) “Day care center” means a building or portion thereof in which individuals receive care and supervision for less than a twenty-four-hour period for compensation or profit. “Day care center” does not include “family day care home.”~~

~~(3) – (15) [Re-number (2) – (14) consecutively. Text unchanged.]~~

SECTION 4. SECTION 19.12.140 AMENDED. Section 19.12.140 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.140 “M”

~~(1) – (3) [Text unchanged.]~~

~~(4) “Mobile home.” means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790, a mobile home, as defined in Section 18008 of the Health and Safety Code, or a manufactured home, as defined in Health and Safety Code Section 18007. A mobile home does not include a recreational vehicle as defined in Civil Code Section 799.24 and Health and Safety Code Section 18010, a commercial coach, or factory-built housing as defined in Health and Safety Code Section 19971, or successor section. For definition, see Chapter 19.72 (Mobile Home Park Conversions).~~

~~(a) “Mobile home, eligible owner” means a mobile home owner whose mobile home was located in a mobile home park on the earlier of either the date of application for a change of use or the date of filing of a notice of determination that the park is undergoing a change of use pursuant to Chapter 19.72, if such notice was filed.~~

~~(b) “Mobile home owner” means the registered owner or registered owners of a mobile home, regardless of the number of such owners or the form of such ownership. Any relocation assistance payable to an owner of a mobile home shall be deemed paid to all owners of that mobile home when paid to any one of them.~~

~~(c)(5) “Mobile home park.” means an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation, including areas of land zoned or otherwise approved for use as a mobile home park pursuant to this title. For definition, see Chapter 19.72 (Mobile Home Park Conversions).~~

~~(d) “Mobile home site” is an area within a mobile home park shown as being occupied by or designated for occupancy by an individual mobile home in the most recent aerial photographs of the city or portions thereof within the records of the city.~~

~~(e) “Mobile home tenant” is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner or member of the~~

~~immediate household of the mobile home.~~

(5) – (7) [Renumber (6) – (8) consecutively. Text unchanged.]

SECTION 5. CHAPTER 19.72 AMENDED. Chapter 19.72 (Conversions of Mobile Home Parks to Other Uses) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

~~**Chapter 19.72**~~
~~**Conversions of Mobile Home Parks to Other Uses**~~

~~**19.72.010. — Duty of director of community development to maintain list of housing specialists.**~~

~~**19.72.020. — Conversion impact report; data on mobile home owners and tenants — Duty to file.**~~

~~**19.72.030. — Occupancy of park below twenty-five percent — Filing of notice.**~~

~~**19.72.040. — Conversion impact report; informational meeting(s); notice and distribution to mobile home owners and residents.**~~

~~**19.72.050. — Notice to new occupants regarding pending change in status of park; relocation assistance.**~~

~~**19.72.060. — Relocation assistance.**~~

~~**19.72.070. — Application for exemption from relocation assistance obligations.**~~

~~**19.72.080. — Application for conversion; public hearings; findings.**~~

~~**19.72.090. — Obligations of applicant or mobile home park owner after approval of conversion impact report.**~~

~~**19.72.100. — Payment of relocation assistance benefits — Prerequisite to issuance of building permit to redevelop park.**~~

~~**19.72.010. — Duty of director of community development to maintain list of housing specialists.**~~

~~———— The director of community development shall compile and maintain a list of persons, firms and organizations with proven expertise in the fields of housing and relocation of persons displaced from housing. Those listed shall be qualified in assisting residents in locating replacement housing, rendering financial advice on qualifying for various housing types, explanation of the range of housing alternatives available, the ability to gather and present to persons needing housing relocation assistance adequate information as to available housing, and the ability to transport persons unable to drive to housing alternatives.~~

~~**19.72.020. — Conversion impact report; data on mobile home owners and tenants — Duty to file.**~~

~~———— (a) Any person who files an application for a rezoning of land use type or density, or for approval of a tentative map (including a tentative parcel map), or for a special development permit, or for a use permit for the purpose of a change of use of a mobile home park shall file a conversion impact report complying with the requirements of this section not later than the date of filing of the first such application necessary to authorize such change of use; provided, however, that if prior to the approval of any such application it is necessary to amend the general~~

~~plan, the information required in subsection (b)(1) shall be filed not later than thirty days prior to the initial public hearing on the amendment to the general plan. No such application shall be considered or deemed completed or processed for consideration and approval unless and until such conversion impact report shall have been filed as required by this subsection.~~

~~————(b) The conversion impact report shall contain the following information:~~

~~————(1) The names of all persons owning mobile homes within the mobile home park, or renting mobile home sites within such park, as shown on the rental agreement applicable thereto, and the names of all mobile home tenants within a period commencing on the earlier of the following dates:~~

~~————(i) The date of application for change of use;~~

~~————(ii) The date of filing of a notice of determination that the park is undergoing a change of use pursuant to Section 19.72.030, if such a notice was filed prior to the application.~~

~~————(2) The age, including date of manufacture, of each mobile home within such park, including the type of mobile home, width, characteristics, size and number identifying the mobile home site being occupied.~~

~~————(3) A list of vacant mobile home sites in comparable mobile home parks within a twenty mile radius of the park which is the subject of the application or request, and in mobile home parks within a two hundred mile radius of such park. The list shall contain a schedule of site rental rates for each park listed, and criteria of the management of each park for acceptance of new tenants.~~

~~————(4) A designation of the names, addresses and telephone numbers of one or more housing specialists from the list compiled by the director of community development pursuant to Section 19.72.010, and the names, addresses and telephone numbers and fee schedules of persons qualified as mobile home movers and of persons who are qualified appraisers of mobile homes. There shall be included an explanation of the services which the housing specialists will provide. The applicant may designate other housing specialists, mobile home movers, and appraisers; provided, however, that use of any such persons pursuant to this chapter shall be subject to approval by the director of community development after an investigation into the qualifications of any such persons.~~

~~————(5) A relocation plan, which will include a timetable for implementing the physical relocation of mobile homes, implementation of relocation assistance, and conversion of the park to one or more other uses.~~

~~————(6) A specification of relocation assistance, which shall comply with the requirements of Section 19.72.060.~~

~~————(c) A list of the names, addresses and mobile home site identification numbers of all persons whose names are required pursuant to subsection (b)(1) shall be filed separate and apart from the conversion impact report. When an amendment to the general plan has been requested for a change of use, or where an application for a change of use has been filed, the applicant shall file such list with the director of community development not later than the date of application for change of use, or not later than thirty days after the city council has initiated any amendment to the general plan necessary for such change of use, whichever first occurs. Where the obligation to file a conversion impact report arises from the filing of a notice of determination that the park is undergoing a change, the owner shall file such list not later than thirty days after the date of filing of such notice of determination. If such names include those of persons who owned or~~

~~occupied mobile homes within the park within such required period but had subsequently relocated, the list shall include, where such information is available to the applicant, the addresses or locations to which any such persons relocated during such period. The list shall indicate whether each person included owns the mobile home or is a tenant, and shall clearly indicate the persons who are not residing in the park. Because the use of such a list has a significant effect on the privacy of the persons who may be identified therein, the director of community development shall maintain each such list as a confidential public record which shall not be disclosed to the public except pursuant to the judgment, order or decree of a court of competent jurisdiction issued pursuant to the California Public Records Act, Sections 6250 et seq. of the California Government Code.~~

~~**19.72.030. — Occupancy of park below twenty-five percent Filing of notice.**~~

~~— (a) Whenever twenty-five percent or more of the total number of mobile home sites of a mobile home park are uninhabited and such situation was not caused by physical disaster, including, but not limited to, fire, flood, storm, earthquake, landslide or by any other condition beyond the control of the owner of the mobile home park the owner of such park shall file with the director of community development a written notice to such effect. For purposes of this chapter, a mobile home site is “uninhabited” when it is either (1) unoccupied by a mobile home, or (2) occupied by a mobile home in which no persons reside. The existence of the condition described in this subsection shall be deemed a “change of use” for purposes of this chapter.~~

~~— (b) Whenever a resident of a mobile home park has reason to believe that such park is uninhabited and that such situation was not caused by physical disaster, including, but not limited to, fire, flood, storm, earthquake, landslide or by any other condition beyond the control of the owner of the mobile home park such resident may file a written statement to that effect with the director of community development. Such statement shall indicate the particular sites which the resident believes to be uninhabited. Upon receipt of such statement the director of community development shall cause an investigation and inspection to be conducted as to the correctness of such statement. Upon completion of the investigation and inspection the director shall conduct a public hearing as to the correctness of the statement upon not less than thirty days written notice to the owner of the mobile home park, to the person who filed such statement, and to all residents of the mobile home park. At the hearing the owner of the mobile home park and any resident thereof may present evidence as to the correctness of the statement. At the conclusion of the hearing the director of community development shall make a determination as to whether the statement is or is not correct.~~

~~— (c) Upon the filing of a notice pursuant to subsection (a) or the making of a determination that the statement is correct or incorrect pursuant to subsection (b), the director of community development shall transmit to the owner of the mobile home park a written notice by certified mail, return receipt requested, or by personal service, which notice shall state, if a notice was filed pursuant to subsection (a), that the mobile home park is determined to be undergoing a change of use, or, if the determination was made pursuant to subsection (b), that such park is determined to be undergoing or not to be undergoing a change of use,~~

~~as the case may be. If the determination was made pursuant to subsection (b), written notice thereof shall be given to the owner of the mobile home park and the resident who filed the statement. The director of community development shall file a copy of such notice. A notice of determination of change of use shall also direct the owner to prepare a conversion impact report, and the director of community development shall establish a reasonable period of time for the preparation of such report. The director of community development shall also schedule public hearings before the planning commission and city council regarding the adequacy of the conversion impact report if it is required. Such hearing shall be scheduled so as to allow adequate time for notice and distribution of the report to mobile home owners and tenants and the scheduling of informational meetings pursuant to Section 19.72.040.~~

~~————(d) The determination of the director of community development pursuant to subsection (b) may be appealed by the resident who filed the statement, by the owner of the mobile home park, or by any other resident thereof by filing a written notice of appeal with the city clerk not more than fifteen calendar days after the date of the notice of determination. The city council shall conduct a public hearing on the appeal, and not less than thirty days notice thereof shall be given by the director of community development to the owner of the mobile home park and the residents thereof. At the public hearing the city council shall consider the investigation and inspection report of the director of community development, the evidence presented by the owner of the mobile home park and any resident thereof as to the correctness of the statement, and at the conclusion thereof the city council shall render a decision on the correctness of the statement.~~

~~————(e) The failure of the owner of a mobile home park to prepare a conversion impact report within the time required by the director of community development pursuant to subsection (c) is hereby determined to have a severely adverse economic effect upon mobile home tenants and eligible mobile home owners due to the delay in providing necessary relocation assistance which would result from such failure. Such failure is hereby determined to be a public nuisance. If the owner of the mobile home park fails to prepare or cause to be prepared a conversion impact report within such required time, the director of community development shall cause such report to be prepared. Upon completion of such report the director of community development shall cause a statement of the cost of preparation of such report to be sent to the owner of the mobile home park. If the owner of the mobile home park fails to reimburse the city for such cost within thirty calendar days after presentation of such statement, the director of community development shall prepare a report on such expense and file it with the city clerk. The city clerk shall thereupon submit written notice to the mobile home park owner of the time and place when the city council shall receive and consider such report and give the mobile home park owner not less than thirty days written notice thereof by certified mail. The procedure set forth in Chapter 8.20 of the Sunnyvale Municipal Code shall be applicable.~~

~~————(f) The provisions of this section shall not be applicable if an application for conversion of a mobile home park shall have been filed pursuant to this chapter prior to the filing of a notice pursuant to subsection (a), or of a written statement pursuant to subsection (b), where such application is pending.~~

~~————(g) For purposes of the ensuing sections of this chapter, the owner of a mobile home park whose mobile home park shall have been determined by the~~

~~director of community development to be undergoing a change of use shall be deemed to be an “applicant.”~~

~~**19.72.040. — Conversion impact report; informational meeting(s); notice and distribution to mobile home owners and residents.**~~

~~— (a) Not less than thirty days prior to the scheduled public hearing before the planning commission on the conversion impact report, the applicant shall transmit to the owner or the occupant of each mobile home occupying a mobile home site within the park and to all other persons described in Section 19.72.020 (b)(1) a copy of the conversion impact report, a copy of this chapter, and notices of the dates, times and places of the public hearing on the conversion impact report and the informational meeting(s) required to be held pursuant to subsection (d).~~

~~— (b) The copies of the conversion impact report and this chapter, and notices of the public hearing and the informational meetings shall be transmitted either by certified mail, return receipt requested or personal service. When personal service is made, a written certificate of proof of service shall be filed with the director of community development. Where more than one person occupies a mobile home, notice need only be sent to the person or persons whose name or names appears on the rental agreement pertaining to that mobile home site.~~

~~— (c) Not less than fifteen days prior to the date of the public hearing, the applicant shall cause to be filed with the director of community development a verification that the applicant has complied with the requirements of this section pertaining to transmittal of copies of the conversion impact report and of this chapter and of the notices of the public hearing on the conversion impact report and on the informational meeting or meetings. Where such transmittal has been by certified mail, copies of return receipts shall be filed. When such transmittal has been by personal service, a list shall be filed with the name of each person served and the date of service.~~

~~— (d) Not later than fourteen days prior to the scheduled public hearing before the planning commission on the conversion impact report, the applicant shall conduct not less than one informational meeting for the residents of the mobile home park regarding the status of the application for conversion or the impending change of use, the timing of proposed relocation of residents, relocation benefits available, and the contents of the conversion impact report. The meeting shall be conducted on the premises of the mobile home park. The applicant may conduct a series of meetings of groups of residents if a sufficient number are scheduled to accommodate all of the residents. The housing specialist or specialists designated in the conversion impact report shall be present at such meeting or meetings.~~

~~— (e) Not less than five days prior to the public hearing on the conversion impact report, the applicant shall file with the director of community development a statement made under penalty of perjury stating compliance with the requirements of subsection (d). Such statement shall state the date, time and place where such meeting(s) was or were conducted.~~

~~19.72.050. — Notice to new occupants regarding pending change in status of park; relocation assistance.~~

~~When an application for a change of use of a mobile home park has been filed with the director of community development, or when the director has transmitted a notice that a mobile home park is undergoing a change of use, the owner of such park shall advise each person who commences occupancy of a mobile home within such park after the filing of such application or transmittal of such notice in writing, prior to commencement of such occupancy, that such application has been filed, or that such determination has been made, and that the occupant may not be entitled to any relocation assistance pursuant to Section 19.72.060. The owner of such park shall obtain a signed acknowledgement of each such occupant indicating receipt of such information.~~

~~19.72.060. — Relocation assistance.~~

~~(a) The applicant shall include within the conversion impact report relocation assistance which complies with the requirements of this section, and shall be responsible for providing such relocation assistance when the city council shall have determined that the conversion impact report complies with the requirements of this chapter, except where and to the extent that any such applicant shall have been exempted from any such requirement.~~

~~(b) Relocation assistance shall consist of the following benefits for the persons designated to be eligible for them:~~

~~(1) Mobile home owners who have relocated or have elected to relocate their mobile homes: Relocation costs. An eligible mobile home owner who has relocated or elected in writing to relocate his or her mobile home shall be entitled to the lesser of the following alternatives:~~

~~(A) A housing allowance of \$1,300.00, adjusted for inflation. Such amount shall be in lieu of and provided for the rent for a mobile home site for one month, required deposits, temporary lodging, and moving of personal property. In addition, the sum of \$3,200.00 for a single wide mobile home, or the sum of \$12,650.00 for a multisection mobile home, adjusted for inflation (1980), shall be provided.~~

~~(B) Said housing allowance, plus the actual cost of relocation of the mobile home to another mobile home park, including the cost of disassembly of the mobile home, its transportation to the new site, its reinstallation at the new site, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings.~~

~~(2) Mobile home owners who have not relocated their mobile homes and have elected to sell them: Payment of eighty five percent of “in place” value or cost of local relocation. An eligible mobile home owner who has not relocated his or her mobile home and has elected in writing to sell such mobile home shall be entitled to the relocation benefit set forth in subsection (B), except as provided in subsection (A).~~

~~(A) The applicant shall have the right to limit his or her responsibility to the owner of the mobile home to the cost of relocation to a vacant mobile home site in a comparable mobile home park not greater than twenty miles from the mobile home park which is the subject of the proposed change of use, which park will accept the mobile home to be relocated. If the applicant is able to secure such site, his or her responsibility under this subsection (b)(2) shall be limited to the~~

~~maximum amounts required under subsection (b)(1). No applicant shall exercise any rights pursuant to this subsection unless and until he or she shall have filed with the director of community development a written declaration to such effect, and until the director shall have conducted a random selection from among the names of all persons otherwise entitled to receive a benefit under subsection (b) to determine a priority list as to mobile home owners who may be subject to relocation of their mobile homes pursuant to this subsection. No mobile home owner who has elected to sell his or her mobile home shall be subject to relocation of such mobile home other than by reference to such priority list.~~

~~———(B) If the applicant has not filed a declaration or is unable to procure such a site, as provided in subsection (A), then the applicant shall be required to pay a relocation benefit in an amount equal to eighty five percent of the “in place value” of the mobile home. “In place value” is hereby defined as the value of such mobile home if it were located in a comparable mobile home park. The applicant shall be entitled to obtain title to such mobile home. The applicant and the mobile home owner shall each select one appraiser who is qualified to appraise the value of mobile homes, who shall prepare and submit an appraisal of the value of the mobile home. Each party shall bear the cost and expense of the appraiser he or she selects. The parties shall exchange appraisals. If the higher appraisal is less than fifteen percent higher than the lower appraisal, the value of the mobile home shall be established at the average of the two appraisals. If the higher appraisal exceeds the lower appraisal by fifteen percent or more, the parties or their appraisers shall select a third appraiser upon whom they shall mutually agree who shall make another appraisal of the mobile home. If the parties or their appraisers are unable to agree upon a third appraiser such appraiser shall be selected by the Presiding Judge of the Superior Court of the County of Santa Clara. If a third appraiser is selected by the parties, their appraisers, or the court, the value of the mobile home shall be established at the amount stated in one of the two initial appraisals which is closest to the amount stated in the third appraisal. The costs and expense of the third appraiser shall be borne equally by the parties. Nothing herein shall preclude the parties from entering into a good faith agreement as to the value of the mobile home at any time.~~

~~———(3) Services of housing experts. All eligible mobile home owners, except for those not occupying mobile homes within the mobile home park, and all mobile home tenants of eligible mobile home owners shall be provided with the services of one or more housing experts to assist them in relocating to available and appropriate housing upon their request. Any such experts shall be familiar with the housing market, individual needs for housing types, and income and loan requirements of various types of housing. Such assistance shall include financial advice, the explanation of the various housing alternatives available, and transportation of residents who are unable to operate motor vehicles to the various housing alternatives. Any housing experts selected by the applicant shall be subject to the approval of the director of community development.~~

~~———(4) Right of first refusal; below market rate housing on site. All eligible mobile home owners and all mobile home tenants of eligible mobile home owners shall be provided with a right of first refusal to purchase housing to be constructed for sale on the site of the mobile home park, or to lease or rent rental housing to be constructed for lease or rental on such site. Such persons shall also be entitled to first priority as to purchase or rental of below market rate units which may be~~

~~constructed on the site of the mobile home park pursuant to Chapter 19.66 if such persons are otherwise qualified for such housing.~~

~~————(c) No benefits shall be provided to any person who is renting a mobile home from the owner of the mobile home park where such tenant shall have executed a written agreement with such mobile home park owner waiving his or her rights to any such benefits. No such waiver shall be valid unless it contains the text of this section, and unless such tenant shall have executed a written acknowledgement that he or she has read and understands his or her rights pursuant to this chapter and knowingly agrees to waive them.~~

~~————(d) No waiver by an eligible mobile home owner of any of his or her rights pursuant to this section shall be valid or effective for any purpose.~~

~~**19.72.070. — Application for exemption from relocation assistance obligations.**~~

~~————(a) Any person who files an application for change of use of a mobile home park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance. The owner of a mobile home park as to whom the director of community development has made a determination pursuant to Section 19.72.030(b) may also file such an application for exemption not later than thirty days from the date of transmittal of the notice of determination by the director of community development.~~

~~————(b) If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and occupants of the mobile home park shall be accomplished pursuant to subsections (a) and (b) of Section 19.72.040.~~

~~————(c) Any such application shall state that it is made on either or both of the following bases:~~

~~————(1) That imposition of the full relocation obligations would eliminate substantially all reasonable use or economic value of the property. Such basis may only be established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobile home park would eliminate substantially all reasonable use or economic value of the property.~~

~~————(2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of the property as a mobile home park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.~~

~~————(d) Any such application made pursuant to subsection (c)(1) shall contain, at a minimum, the following information:~~

~~————(1) Statements of profit and loss from the operations of the mobile home park for the most recent five year period of the date of the application or request, certified by a certified public accountant.~~

~~————(2) If the applicant contends that continued use of the property as a mobile home park necessitates repairs or improvements or both, and that the cost thereof makes continuation of the park economically infeasible, a statement made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the state of California certifying that such contractor has thoroughly inspected the entire mobile home park; that such contractor has determined that certain repairs~~

~~and improvements must be made to the park to maintain the park in a decent, safe and sanitary condition; the minimum period of time in which such improvements or repairs must be made; an itemized statement of such improvements and repairs; and the estimated cost thereof. The applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobile home sites within the park within the next five years necessary to pay for such repairs or improvements. If the director of community development requires an analysis of the information submitted by the general contractor, the director may procure the services of another such licensed general contractor to provide such written analysis, and the cost thereof shall be billed to and payment therefor shall be required from the applicant.~~

~~————(3) The estimated total cost of relocation assistance which would otherwise be required to be provided pursuant to this chapter, which shall be based upon documented surveys included with the application of the available mobile home sites within twenty miles of the mobile home park, residents of the park who would elect to relocate and those who would elect to sell their mobile homes, and the value of the mobile homes in the park based upon recent sales of representative mobile homes in the park.~~

~~————(4) An estimate of the value of the mobile home park by a qualified real estate appraiser if the park were permitted to be developed for the use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.~~

~~————(5) Such other information which the applicant believes to be pertinent, or which may be required by the director of community development.~~

~~————(e) Any such application filed pursuant to subsection (c)(2) shall be accompanied by adequate documentation as to the title, case number and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of such court.~~

19.72.080. — Application for conversion; public hearings; findings.

~~————(a) When a request or application has been made or filed for a general plan amendment, rezoning, tentative map, special development permit, or use permit for the proposed change of use of a mobile home park, a public hearing shall be held on the conversion impact report and on any application for exemption from relocation assistance obligations in conjunction with the public hearings held by the planning commission and city council on the amendment, rezoning, map or permit.~~

~~————(b) Every such application shall be considered on appeal by the city council without further action by the city council.~~

~~————(c) The planning commission shall recommend that the city council make findings as set forth in this section on the conversion impact report and on any application for exemption from relocation assistance obligations.~~

~~————(d) The city council shall make one of the following findings on the conversion impact report:~~

~~————(1) That the conversion impact report complies with the requirements of this chapter.~~

~~————(2) That the conversion impact report does not comply with one or more requirements of this chapter. In such instance, the city council shall indicate in~~

~~which respects the report does not comply with any such requirement. If the project is approved, the city council may condition such approval upon amendments to the relocation plan.~~

~~———(e) Where an exemption from relocation assistance has been applied for based upon the impact of such assistance upon the reasonable use of the property pursuant to Section 19.72.070 (c)(1) the city council shall make one of the following findings:~~

~~———(1) That the applicant shall not be exempt from relocation assistance obligations because sufficient evidence has not been shown that both of the following are true: that the continued use of the property as a mobile home park would eliminate substantially all reasonable use of such property, and that the cost of relocation assistance benefits which would otherwise be required by this chapter for alternative uses would eliminate substantially all reasonable use or economic value of the property for such uses.~~

~~———(2) That the applicant or owner shall be exempt from relocation assistance obligations, in whole or in part, because he or she has shown sufficient evidence that continued use of the property as a mobile home park would eliminate substantially all reasonable use or economic value of such property, and that imposition of such obligations, in whole or in part, would eliminate substantially all reasonable alternate use or economic value of the property. In making such determination the city council may take into account the financial history of the mobile home park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of such park, the estimated cost of relocation assistance benefits, the fair market value of the property for the proposed alternative use, the fair market value of the property for continued use as a mobile home park, and other pertinent evidence presented. In rendering its decision, the city council shall have the power to eliminate or waive all or portions of any type of benefit which would otherwise be applicable and shall expressly indicate in its decision any such waiver or elimination and the degree thereof.~~

~~———(f) Where an exemption from relocation assistance has been applied for based upon bankruptcy proceedings pursuant to Section 19.72.070 (c)(2) the city council shall make one of the following findings:~~

~~———(1) That the application or project shall be exempt from relocation assistance obligations, in whole or in part, because a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of the property as a mobile home park is necessary, and because such court has taken further action which would prohibit or preclude payment of such benefits, whether in whole or in part. In rendering its decision, the city council shall have the power to eliminate or waive all or portions of any type of benefit to the extent necessary to comply with the judgment, order or decree of the court.~~

~~———(2) That the applicant shall not be exempt from any relocation assistance obligations based upon any actions of a court of bankruptcy, because sufficient evidence has not been shown that any such court has ordered the closure or cessation of use of the property as a mobile home park, or that such court has prohibited or precluded the payment of any such benefits or both.~~

~~———(g) No request or application for an amendment to the general plan or zoning ordinance, or approval of a tentative map, special development or use~~

~~permit for change of use of a mobile home park shall be approved unless and until the city council shall have determined that the conversion impact report complies with the requirements of this chapter. The approval of an exemption from relocation assistance obligations shall have the effect of elimination of the requirement of such portion of the conversion impact report. If such conversion impact report is determined not to comply with the requirements of this chapter, the aforementioned request or amendment shall not be considered further unless and until the report is revised, a public hearing upon appropriate notice is conducted thereon, and the report is determined to be in compliance with the requirements of this chapter.~~

~~**19.72.090. — Obligations of applicant or mobile home park owner after approval of conversion impact report.**~~

~~After the date of determination that the conversion impact report complies with the requirements of this chapter, the applicant shall undertake or be responsible for performance of the following obligations, except to the extent that the city council may have exempted the application therefrom.~~

~~(a) Not later than thirty days from the date of such determination, the housing specialist or specialists shall make personal contact with each resident of the mobile home park and commence consultations to determine the proper relocation assistance to be provided. The housing specialist or specialists shall give each resident and former resident eligible to receive relocation assistance written notice of his or her relocation assistance and benefit options, the time limits within which he or she must select the desired option, one or more copies of a standard form to be used for the resident to make his or her selection, and a designation of the person and place to whom and to which completed forms must be submitted.~~

~~(b) Not later than four months from the date of such determination residents who are entitled to make elections between alternate benefits shall make such selection in writing. Such selection shall be submitted to the park owner or applicant, as the case may be, on a form provided by the housing specialist.~~

~~(c) Not less than thirty five days prior to the date any resident is required to vacate the mobile home park, any cash or monetary relocation assist shall be paid to such resident, to any former resident eligible for such assistance, or to any person, firm or corporation performing relocation related services for the resident, as the resident may direct. If the applicant elects to take title to a mobile home pursuant to Section 19.72.060 (b)(2)(ii), the owner of the mobile home shall be required to submit to the applicant all documents necessary to transfer complete title and ownership of such mobile home to the applicant, free and clear of all security interests, liens, or other encumbrances.~~

~~(d) Not more than six months from the date of such determination, any required appraisals of mobile homes shall be completed. If any such appraisal is incomplete due to any act or omission of the mobile home park owner or applicant the otherwise required time for vacation of the mobile home park by the residents affected by such delay shall be extended by ninety days. If any such appraisal is incomplete due to any act or omission of a mobile home owner, the owner of the mobile home park or the applicant, as the case may be, shall give the owner of the mobile home a written notice of such deficiency, which shall state that if the appraisal is not completed within thirty days of the notice, the appraisal~~

~~of the mobile home park owner or applicant, as the case may be, shall govern. If the owner of such mobile home does not complete such appraisal within such period, the required valuation of the mobile home shall be based upon the appraisal of the mobile home park owner or applicant, as the case may be. In addition, not more than six months from the date of such determination, the applicant or owner of the mobile home park, as the case may be, shall enter into contracts with moving contractors necessary for the relocation of mobile homes or personal property, or both.~~

~~————(e) The date upon which any resident of the mobile home park is required to vacate such park, or upon which the owner of any mobile home is required to be removed from the mobile home park shall be not less than six months from the date of notice of termination of tenancy and not less than thirty five days from the date of payment of any required relocation benefits.~~

~~————(f) If the owner of the mobile home park or the applicant, on such application, specifically requests that any of the time limitations required by this section be modified, the city council shall consider any such modification and evidence relating to the need therefor at the public hearing on the conversion impact report. The city council shall have the power to make modifications in such time limits, both in response to a request and on its own motion, in conjunction with any approval of a conversion impact report, as the city council may deem just and reasonable.~~

~~**19.72.100. — Payment of relocation assistance benefits — Prerequisite to issuance of building permit to redevelop park.**~~

~~————No building permit shall be issued for the development of any real property which has been or is being converted from a mobile home park pursuant to this chapter unless and until the applicant or the owner of the property, as the case may be, who is responsible for payment of any required monetary relocation assistance, shall have filed with the director of community development a verified statement made under penalty of perjury that relocation assistance payments required pursuant to this chapter have been paid. Such statement shall specify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.~~

Chapter 19.72
Mobile Home Park Conversions

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19.72.010. Findings and Purpose.

(a) **Findings.** The city council finds that:

(1) Mobile homes are an important form of affordable housing in the City, particularly for seniors and persons with moderate or lower incomes;

(2) Many mobile home owners have made a large financial investment in their mobile home and loss of this investment would limit their ability to find replacement housing;

(3) Vacant mobile home spaces in comparable mobile home parks are scarce in the City and in surrounding communities, and acceptance criteria often exclude older mobile homes; and

(4) Due to the reasons stated above, the conversion, closure or cessation of use of a mobile home park could have an adverse impact on the ability of displaced residents to find adequate replacement housing. The mitigation measures required by this chapter are found to be necessary and reasonable, consistent with state law, while recognizing the rights of park owners to pursue changes in land use.

(b) **Purpose.** This chapter establishes requirements to ensure that the adverse social and economic impacts of any mobile home park conversion on displaced residents are identified and mitigated through adequate notice, reasonable relocation and other assistance. These requirements are established under the authority granted by California Constitution, and Government Code Sections 65863.7 and 66427.4, and Civil Code Section 798.56.

19.72.020. Definitions.

When used in this chapter, these terms mean the following:

(1) **“Applicant”** means any person or entity seeking approval of a mobile home park conversion. Applicant can also mean a park owner whose park has been determined to be undergoing conversion due to reduced occupancy.

(2) **“Comparable housing”** means housing that meets the minimum standards of the Uniform Housing Code, and is similar to the subject home in terms of rent, size, number of bedrooms and bathrooms, and other relevant factors such as location and proximity to the resident’s place of employment, amenities, schools, and public transportation.

(3) **“Comparable mobile home park”** means any other park similar to the subject park in terms of amenities, rent, and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is employed, and proximity to schools if the resident has school age children.

(4) **”Development application”** means a filed request for approval of a general plan amendment, rezone, tentative map, use permit, special development permit, or any other permit related to a proposed mobile home park conversion. Development application does not include a request to initiate a general plan amendment.

(5) **”Disabled household”** means a household in which 1) the primary wage earner or spouse is a person with disabilities; 2) at least 2 members are persons with disabilities; or 3) one or more members are persons with disabilities

with a live-in aide. A disability is a medical condition or physical or mental impairment that substantially limits at least 1 of the person’s major life activities, as defined in the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, or successor statutes.

(6) “**Mobile home**” means a structure designed and used for human habitation and for being moved on a street or highway under permit pursuant to California Vehicle Code Section 35790, a mobile home as defined in Section 18008 of the Health and Safety Code, or a manufactured home, as defined in Health and Safety Code Section 18007. A mobile home does not include a recreational vehicle as defined in Civil Code Section 799.24 and Health and Safety Code Section 18010, a commercial coach, or factory-built housing as defined in Health and Safety Code Section 19971.

(7) “**Mobile home owner**” means the registered owner of a mobile home, regardless of the number of such owners or the form of such ownership, and who has the right to use a mobile home space in a park.

(8) “**Mobile home park**” means an area of land where 2 or more mobile home spaces are held for rent, including areas of land zoned or otherwise approved for use as a mobile home park under this title. In this chapter, the term “park” is the same as “mobile home park”.

(9) “**Mobile home space**” is an area within a park designated for occupancy by one mobile home. In this chapter, the term “space” is the same as “mobile home space”.

(10) “**Park owner**” means any person or entity in possession of the title of the mobile home park and is responsible for paying its property taxes. “Park owner” does not include a mobile home owner who rents out or subleases their mobile home.

(11) “**Proof of service**” means written evidence that a required recipient has received a notice or other document. Proof of service includes any United States Postal Service delivery confirmations such as certified mail or signature confirmation. If delivered personally, proof of service includes a statement signed by the recipient.

(12) “**Resident**” means a mobile home owner who lives in the park or tenant.

(13) “**Senior household**” means a household in which 1) the primary wage earner or spouse is at least 62 years old; 2) 2 or more members are at least 62 years old; or 3) one or more members are at least 62 years old with a live-in aide.

(14) “**Tenant**” means a person who lives in a mobile home or other dwelling within a park under a bona fide lease or agreement and who is not a mobile home owner.

(15) “**Uninhabited**” means a mobile home space that is either unoccupied by a mobile home, or occupied by a mobile home in which no persons reside, and such situation was not caused by physical disaster or any other condition beyond the control of the park owner.

(16) “**Very low income household**” means a household with annual income less than 50% of the area median income of households in Santa Clara County, as defined by the California Housing and Community Development Department.

19.72.030. Applicability.

(a) **Conversion.** This chapter applies to any conversion of a mobile home park, including:

- (1) A change of use;
- (2) A change of the park or any portion to a condominium, stock cooperative, or any other form of ownership where spaces within the park are sold individually; or
- (3) Cessation of use or closure of any portion of the park, whether immediate or gradual. This includes reduced occupancy of the park as determined in Section 19.72.070 (Conversion Due to Reduced Occupancy).

(b) **Bankruptcy Exemption.** This chapter does not apply if the closure or cessation of use of a mobile home park results from the entry of an order for relief in bankruptcy, as stated in California Government Code Section 65863.7.

19.72.040. Notice of Intention to Convert.

(a) **90 Days' Notice of Intention.** The applicant shall give a written notice of the intention to convert a mobile home park at least 90 days before filing a development application or a request to initiate a general plan amendment. The notice shall be provided to all mobile home owners and residents with proof of service, and a copy provided to the City. The notice shall be posted at all entrances of the park. The same written notice shall be provided to prospective new residents prior to payment of any rent or deposit.

(b) **Notice Content.** The notice shall contain the following information:

- (1) That the applicant proposes a conversion of the mobile home park that requires City approval of a conversion impact report;
- (2) A description of the proposed development application, if applicable, and the required permit approvals; and
- (3) A statement that the applicant will file an application for a final public report with the California Department of Real Estate, if applicable.

19.72.050. Conversion Impact Report (CIR) Required Before Conversion.

The applicant shall file a CIR for review and approval by the city council before any park conversion can be approved. The CIR shall contain the information required in Section 19.72.090 (Content of CIR) and shall adequately define and address the social and economic impacts of the proposed conversion on displaced residents and mobile home owners, as required by the city council. The required timing of filing is as follows:

(1) **Conversion with a Development Application.** The CIR shall be filed before or at the same time as the development application. If a proposed conversion requires an amendment to the general plan, the CIR may be filed after initiation of the general plan amendment.

(2) **Conversion Due to Reduced Occupancy.** If a mobile home park is undergoing conversion due to reduced occupancy, the CIR shall be filed within a period of time established by the director of community development under Section 19.72.070 (Conversion due to Reduced Occupancy).

19.72.060. Relocation Specialists.

(a) **List of Relocation Specialists.** The director shall maintain a list of qualified persons or firms with proven expertise in housing, relocation of displaced persons, and who are familiar with the region's housing market.

(b) **Relocation Specialist Services.** The applicant shall hire a relocation specialist from the director's list to prepare the CIR and provide residents the services described in this chapter. The relocation specialist is responsible for meeting with residents and helping them evaluate, select, and secure comparable housing. Such services include technical assistance related to leasing or purchasing replacement housing, explanation of the relocation assistance alternatives available, referral to any available affordable housing resources, assistance in making arrangements to move personal property and belongings, and transportation of residents who are unable to drive to housing alternatives.

19.72.070. Conversion Due to Reduced Occupancy.

(a) **Reduced Occupancy Conversion.** A park is deemed to be undergoing conversion by closure or cessation of use when 25% or more of the spaces is uninhabited. At the time of 25% vacancy, the park owner shall file a statement explaining any known reasons for the reduced occupancy and any intention to change the use. A resident may also file a statement of reduced occupancy and shall indicate the spaces the resident believes to be uninhabited.

(1) **Statement Filed by Park Owner.** If a park owner files a statement of reduced occupancy, the director determines the correctness of the statement and issues a notice of determination of conversion. No public hearing is required.

(2) **Statement Filed by Resident.** If a resident files a statement of reduced occupancy, the director shall determine the correctness of the statement at a noticed public hearing. The director's determination may be appealed directly to the city council by the park owner, mobile home owner, or any resident following the procedures in Section 19.98.070 (Appeals). Notice of the time and place of any public hearing described in this subsection shall be given to the park owner, mobile home owners and residents and posted at all entrances of the park at least 30 days before the hearing.

(b) **Notice of Determination and CIR.** Written notice of conversion due to reduced occupancy shall be issued to the park owner, mobile home owners, and residents with proof of service. The notice of determination shall include a reasonable period of time during which the park owner shall file a CIR.

(c) **Waiver Request from Relocation Assistance.** The park owner may request a total or partial exemption from relocation assistance obligations under Section 19.72.120 (Waiver from Relocation Assistance Obligations). The request shall be filed by the date established by the director in the notice of determination under subsection (b).

(d) **Failure to Prepare a CIR.** Failure of the park owner to submit a CIR within the required time frame is declared a public nuisance. This nuisance is due to the potential for severe adverse social and economic impacts on residents and mobile home owners by delaying the necessary analysis and provision of necessary relocation assistance. At that time, the director shall prepare the CIR and bill the cost to the park owner. The park owner shall reimburse the City for the cost within 30 days of receipt of the bill. If the park owner fails to reimburse

the City, abatement and collection procedures may begin as provided in Sections 8.20.060 through 8.20.090 of the Sunnyvale Municipal Code.

19.72.080. Relocation Assistance.

(a) **Relocation Assistance Required.** Under Government Code Sections 65863.7 and 66426.4, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

(b) **Eligibility for Relocation Assistance.** Mobile home owners and residents are entitled to relocation assistance if they have not given notice to terminate their lease as of the date of the following, whichever occurs first:

- (1) Initiation of a general plan amendment;
- (2) CIR filing; or
- (3) Determination that the park is undergoing conversion due to reduced occupancy.

(c) **Waiver Agreements.** Any agreement made with a mobile home owner to waive rights under this chapter is invalid and ineffective for any purpose. A waiver of relocation assistance rights is only valid if it is between a park owner and a tenant of a home owned by the park owner. The waiver shall contain the text of this section and a written acknowledgment by the tenant understanding the relocation assistance rights under this chapter and agreeing to waive them.

(d) **Reasonable Cost of Relocation.** Reasonable cost of relocation includes a moving allowance and other applicable types of relocation assistance as defined in this section, and based on the CIR and housing and human services commission recommendations.

(1) **Moving Allowance for Eligible Residents.** For all eligible residents, relocation assistance shall include a moving allowance to move to another park or other replacement housing up to a distance of 100 miles. The resident is responsible for additional costs to move to a location farther than 100 miles. Moving allowance includes:

- (A) The cost to move furniture and personal belongings;
- (B) Rent for first and last month at the new location;
- (C) Required security deposit at the new location;
- (D) Temporary lodging, if applicable; and

(2) **Other Relocation Assistance.** For eligible residents and mobile home owners, relocation assistance may also include one or more of the following:

(A) **Accessibility Improvements for Mobile Home Owners.** For eligible mobile home owners, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the mobile home such as wheelchair ramps lifts, and grab bars.

(B) **Rent Subsidy for Senior, Disabled or Very Low Income Households.** For eligible senior, disabled or very low income households, relocation assistance may include payment of a rent subsidy of up to 24 months if needed to offset increased housing costs and secure comparable housing. The rent subsidy is the difference of rent paid by the resident in the park and any higher

rent for either a space at another park if the mobile home is relocated, or rent for comparable housing if the resident moves to other rental housing. Mobile home owners who are eligible to sell their mobile home to the applicant at 85% of its in-place value may only receive the rent subsidy if the selling price is inadequate to secure comparable replacement housing for at least 24 months.

(C) **Mobile Home Relocation Costs for Mobile Home Owners.** For any eligible mobile home owner whose mobile home can be relocated, relocation assistance may include the lowest of 3 estimates obtained by the relocation specialist from licensed mobile home movers to physically relocate the mobile home to up to a maximum distance of 100 miles. The mobile home owner is responsible for additional costs to move the mobile home to a location farther than 100 miles. The estimates shall include the cost of disassembly of the mobile home, transportation to the new site, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups.

(D) **Sale at 85% In-Place Value for Mobile Home Owners.** For any eligible mobile home owner whose home cannot be relocated to a comparable park within 20 miles or another park chosen by the mobile home owner, the city council may require the applicant to purchase the mobile home at 85% of its in-place value. The applicant shall hire a mobile home appraiser from a list provided by the director to determine the in-place value of the mobile home. The appraisal shall consider the value of the mobile home in its current condition, without regard to the possible park closure. If the mobile home owner disputes the appraised value of their mobile home, the mobile home owner may hire an appraiser from the director's list to obtain an appraisal. To be considered, the mobile home owner shall obtain the appraisal within 180 days of the approval date of the CIR. If a second appraisal is obtained, the mobile home owner is entitled to the average of the appraisals obtained by the applicant and the mobile home owner.

(E) **Right of First Refusal for Residents.** For all eligible residents, relocation assistance shall include the right of first refusal to purchase or rent new homes or apartments to be constructed on the park site. Income-eligible residents may have first priority to purchase or rent any below market rate (BMR) units which may be constructed on the park site, if they meet all eligibility requirements for the BMR housing program. In order to receive priority for BMR units, interested residents shall file a request with the housing division before vacating the park.

19.72.090. Content of CIR.

The CIR shall contain the following information to adequately define and address the social and economic impacts of a proposed conversion or park closure on displaced residents and mobile home owners; unless the director determines that any of the following information would not be useful for a particular park:

(a) **Resident and Home Characteristics.** A description of the characteristics of the following:

(1) **Homes.** Date of manufacture, type, width, size, number of bedrooms of each mobile home or other dwelling, and any accessibility

improvements, such as wheelchair ramps, lifts, and grab bars, listed by space number;

(2) **Residents.** Number of occupants in each home, household type (senior, disabled, very low income, individual, family with minor children, or other), and type of occupancy (mobile home owner, tenant, or other); and

(3) **Eligibility.** Identification of those persons entitled to relocation assistance per Section 19.72.080 (Relocation Assistance).

(b) **Confidential Resident Information.** A list containing additional information shall be submitted separately from the CIR. Because of the confidential content of this list, the director shall maintain the list as a confidential public record which shall not be disclosed to the public except under the judgment, order or decree of a court of competent jurisdiction issued pursuant to the California Public Records Act (Government Code Sections 6250 et seq.). The list shall contain the following:

(1) **Personal Information.** Names, addresses, and contact information of mobile home owners and residents;

(2) **Occupancy.** Length of occupancy, current monthly rent and lease terms, and whether each person is a mobile home owner that does not live in the park, a tenant, or person living in housing other than a mobile home; and

(3) **Relocated Residents.** New addresses for residents who have already relocated, if available;

(c) **Vacant Spaces in Desired Locations.** A list of vacant spaces in parks within 20 miles of the park, and in any other locations within California desired by mobile home owners. The list shall include the park name, address, number of vacancies, lease rates, the terms, policies and restrictions on the type of mobile homes and residents accepted, amenities offered, and proximity to services such as public transportation, schools, medical services, social and religious services, and grocery stores;

(d) **Housing Alternatives.** Availability and cost of renting or purchasing comparable housing in the City or any other locations desired by residents who cannot be relocated to a comparable park within 20 miles;

(e) **Potential Relocation of Mobile Homes.** A determination based on the information provided under subsections (a), (b), and (c) of the total number of mobile homes that could be relocated to a comparable park within 20 miles or other locations desired by mobile home owners;

(f) **Relocation Plan.** A relocation plan that specifies:

(1) **Minimum Relocation Assistance.** The minimum amount of relocation assistance the applicant agrees to pay each eligible resident and mobile home park owner under Section 19.72.090 (Relocation Assistance) and a description of how the amount was determined;

(2) **Replacement Housing.** The type of replacement housing proposed for each resident (relocation to a comparable park, or rental or purchase of other housing); and

(3) **Timetable.** A timetable for implementing the physical relocation of mobile homes, implementation of relocation assistance, and conversion of the park;

(g) **Contact Information for Services.** Names and contact information shall be provided for the following:

(1) **Relocation Specialist.** The relocation specialist hired from the director's list with an explanation of the services available;

(2) **Moving Companies.** Names, contact information and fee schedules of moving companies selected by the relocation specialist and approved by the director, along with estimates for moving the mobile home, furniture and personal belongings; and

(3) **Appraisers.** Names, contact information and fee schedules of qualified mobile home appraisers from the director's list; and

(h) **Additional Information.** Any additional information necessary to address the specific needs of residents and mobile home owners relevant to the park conversion, as determined by the director.

19.72.100. CIR Notice and Informational Meetings.

(a) **CIR Notice and Distribution 30 Days Before Hearing.** The applicant shall provide notice, with proof of service, of the availability of the CIR to each mobile home owner and resident. Notice is only required to be sent to the person whose name appears on any rental agreement. This notice shall be provided at least 30 days before the housing and human services commission public hearing on the CIR and after director approval of the notice. The notice shall include:

(1) A copy of the CIR;

(2) A copy of this chapter; and

(3) The date, time, and location of each scheduled informational meeting and public hearing on the CIR.

(b) **Verification 15 Days Before Hearing.** At least 15 days before the housing and human services commission public hearing on the CIR, the applicant shall submit verification to the director that the required notice and materials have been received by each required recipient.

(c) **Informational Meeting(s) 14 Days Before Hearing.** At least 14 days before the housing and human services commission public hearing on the CIR, the applicant shall hold at least one informational meeting for residents at the park. The meeting shall discuss the proposed timing of resident relocation, relocation assistance available, the contents of the CIR, and the status any development application. The relocation specialist and director's designee shall be present at the informational meeting(s).

19.72.110. Notice to Prospective Residents.

Before executing a rental agreement, the park owner shall advise, in writing, each prospective new resident that a development application for park conversion has been filed, or that the park has been determined to be undergoing conversion due to reduced occupancy, and that the new resident may not be entitled to any relocation assistance under Section 19.72.080 (Relocation Assistance).

19.72.120. Waiver from Relocation Assistance Obligations.

(a) **Waiver Request.** If the applicant believes that providing the required relocation assistance would impose an unreasonable financial hardship, the applicant may request total or partial exemption from relocation assistance obligations in accordance with this section. The request shall be filed with the CIR.

(b) **Disclosure to Residents.** The applicant shall notify residents of the request for a waiver from relocation assistance obligations by including such information in the notice required by Section 19.72.100 (CIR Notice and Informational Meetings).

(c) **Required Information.** To justify the basis for the request of a waiver from relocation assistance obligations, the applicant shall provide the following information with the CIR:

(1) **Financial Statements.** Statements of profit and loss from the operations of the park for the most recent 5-year period of the date of the application or request, verified by a certified public accountant;

(2) **Statement of Repairs and Improvements.** A statement made under penalty of perjury by a state-licensed general contractor that repairs and improvements are necessary to maintain the park in a decent, safe and sanitary condition and to continue the use of the property as a mobile home park. The statement shall include an itemized list of the necessary repairs and improvements, their costs, and the minimum period of time they shall be made. The applicant shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of mobile home spaces within the park within the next 5 years necessary to pay for such repairs or improvements. At the director's discretion, the applicant may be required to hire another licensed general contractor selected by the director to analyze the submitted information from another licensed general contractor selected by the director;

(3) **Estimated Relocation Costs.** The estimated total cost of relocation assistance based on the requirements of Section 19.72.080 (Relocation Assistance) and as determined by the relocation specialist;

(4) **Appraised Value Estimate.** A comparison by an appraiser from the director's list of the estimated values of the property if it were to continue as a mobile home park, and if the park were developed according to the proposed redevelopment of the park; and

(5) **Additional Information.** Other information the applicant believes to be pertinent, or which may be required by the director.

19.72.130. Findings and Decisions.

(a) **CIR Approval Required Before Approval of Development Application.** The City shall not take any action on a development application until the city council has approved the CIR. Public hearings on any development application for the park site shall not be held in conjunction with, or on the same night as any public hearing on the CIR.

(b) **Review of Waiver Request.** The request for a waiver from relocation assistance obligations shall be reviewed concurrently with the CIR. After receiving a recommendation from the housing and human services commission, the city council may grant or deny the waiver request if the required documentation demonstrates that providing the required relocation assistance would impose an unreasonable financial hardship.

(c) **Findings and Decisions on CIR.** Following a public hearing, the housing and human services commission shall make a recommendation to the city council to approve or conditionally approve the CIR based on the required findings. After receiving a recommendation from the housing and human services commission

and holding at least one public hearing, the city council may approve or conditionally approve a CIR if:

- (1) Preparation, noticing, and distribution of the CIR has been done in compliance with this chapter; and
- (2) The CIR includes adequate information and options, and takes adequate measures to address the adverse social and economic impacts on displaced residents and mobile home owners of a mobile home park conversion.

19.72.140. Obligations after Approval of CIR.

- (a) **Applicant Responsibility.** The applicant is responsible for verifying that the actions required in this section have been performed after CIR approval. The city council may allow reasonable modifications to the specified time limits.
- (b) **Selection of Relocation Assistance within 120 Days.** Within 120 days of CIR approval, eligible residents and mobile home owners shall select the type of relocation assistance available per the CIR and confirm the selection with the relocation specialist. If a selection is not submitted, the relocation specialist may determine the appropriate relocation assistance based on the CIR.
- (c) **Complete Appraisals and Obtain Estimates within 180 Days.** Within 180 days of CIR approval, any mobile home appraisals shall be completed and any estimates for mobile home relocation shall be obtained. If any of these actions are not completed within the required time frame due to any act on the part of the applicant, the notice of termination of tenancy required in subsection (d) shall be extended by 90 days for the affected mobile home owner.
- (d) **Termination of Tenancy 180 Days or More.** The applicant shall give residents and mobile home owners at least 180 days' written notice of termination of tenancy from development application approval, or CIR approval for park closures.
- (e) **Payment 35 Days Before Termination of Tenancy.** The applicant shall pay all required monetary relocation assistance to eligible residents and mobile home owners at least 35 days before termination of tenancy. In the case where a mobile home owner has opted to sell the mobile home, the mobile home owner shall submit any documents necessary to transfer complete title and ownership of the mobile home to the applicant, free and clear of all security interests, liens, or other encumbrances, provided that the relocation assistance paid to the mobile home owner is adequate to remove any existing liens.
- (f) **Verification Before Closure or Issuance of Building Permits.** At least 35 days before the last resident's termination of tenancy, the applicant shall submit a statement made under penalty of perjury that required relocation assistance payments have been paid to eligible residents and mobile home owners. The statement shall specify each eligible resident and mobile home owner, the amount paid, the date of payment, and the type of relocation assistance selected by the resident or mobile home owner. The applicant is encouraged to submit receipts of payment as further verification. This verification shall be submitted before the park can be closed or before any building permits related to an approved development application can be issued.

SECTION 6. SECTION 19.98.070 AMENDED. Section 19.98.070 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.070. Appeals.

(a) – (b) [Text unchanged.]

(c) Appeal of All Other Permits and Actions. Any person aggrieved, including a member of the planning commission or city council, by the decision of the director of community development, heritage preservation commission or planning commission may file an appeal after the date of such decision. The appeal shall be in writing stating the grounds therefor. All proceedings initiated by the decision of the director of community development or planning commission shall be suspended pending a determination on the merit of the appeal.

(1) Any decision by the director of community development may be appealed to the planning commission and city council, except:

(A) Miscellaneous plan permits, where the decision of the planning commission is final; except that decisions by the director on findings of convenience or necessity may be appealed directly to the city council. (B) A decision by the director on a tree removal permit, where the decision by the planning commission is final.

(C) A decision by the director on a variance request on the maximum height of a ground sign, where the decision by the planning commission is final.

(D) A decision by the director on a use permit for a large family day care where a waiver of proximity to a similar use is not requested.

(E) A decision by the director on a mobile vendor permit where the appeal is directed to the city council.

(F) A decision by the director that a mobile home park is undergoing a conversion due to reduced occupancy under Chapter 19.72 (Mobile Home Park Conversions) where the appeal is directed to the city council.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307, that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 8. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

SECTION 10. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within 15 days after adoption of

this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

Michael D. Martello, Interim City Attorney

Attachment D

Summary of Other Jurisdictions' Conversion Ordinances

Relocation Assistance Comparison: Sunnyvale & Nine Other Cities/Counties With Conversion Ordinances

| Relocation Assistance Requirements | Required by Current Sunnyvale Ordinance | Number of Other Jurisdictions with Requirement <i>(Total of 9 Surveyed)</i> |
|-------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------|
| Assistance for MH Owners | Yes | 9 |
| Compensation at 100% of In-Place Value | No (85% of In-Place Value) | 7 |
| Council Discretion over Assistance Amount | No (Flat Rates Set by Ordinance) | 4 |
| Includes Rent Subsidies (if Needed) | No | 5 |
| Assistance for MH Renters / Other Renters | No | 2 |
| Right of Negotiated Purchase | No | 2 |

Attachment E

Table Comparing Current Requirements to Proposed Requirements

Comparison of Current Relocation Assistance Requirements with
Proposed Relocation Assistance Requirements

| Assistance Item | CURRENT Ordinance | PROPOSED Ordinance |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Search for Vacant Mobile Home Spaces | <ul style="list-style-type: none"> 20 miles and 200 miles | <ul style="list-style-type: none"> Any location in CA, at mobile home owners' request |
| Eligibility for Services of Housing Specialist | <ul style="list-style-type: none"> Only mobile home owners living in the park and tenants of mobile home owners | <ul style="list-style-type: none"> EVERY park resident household |
| Housing (Moving) Allowance | <ul style="list-style-type: none"> Only for mobile home owners Flat rate based on \$1,300 in 1980, to be adjusted for inflation = approximately \$3,666 in 2011 | <ul style="list-style-type: none"> EVERY park resident household Amount = Cost to move personal property + cost to reinstall/replace accessibility improvements, if any + last month's rent + security deposit for a location up to 100 miles away |
| First Right of Refusal to New Housing Built On Site | <ul style="list-style-type: none"> All mobile home owner households and tenants of mobile homes | <ul style="list-style-type: none"> EVERY resident household |
| 2-year Rent Subsidy for Special Needs/VLI Household's | <ul style="list-style-type: none"> NA | <ul style="list-style-type: none"> Difference in tenant's monthly housing costs in the park as of the noticing date and their monthly cost for replacement housing. |
| Relocation Assistance for Mobile Home Owners: Mobile Home Owner's Choice of either options A or B: ** | | |
| A. Relocation of Mobile Home | <i>The lesser of:</i> | Amount equal to lowest of three actual bids to relocate mobile home up to 100 miles from park (includes insurance, installation, hook-ups, etc.). |
| | <ul style="list-style-type: none"> Flat rate of \$3,200* for single-wide and \$12,650* multi-wide; OR | |
| | <ul style="list-style-type: none"> actual cost of relocation and reinstallation of home and improvements | |
| B. Mobile Home Owners Opting to Sell Home to Park Owner Rather than Relocate** | <ul style="list-style-type: none"> 85% of in-place value, based on appraisal process set forth in ordinance | <i>If homeowner opts to sell rather than relocate:</i> 85% of in-place value, based on appraisal process set forth in ordinance, or other amount mutually agreeable to the parties |

* 1980 dollars, to be adjusted for inflation to value in year of move.

** Option B is not available if park owner relocates mobile home to a comparable park within 20 miles.